

AMERICANS MISSING IN SOUTHEAST ASIA

HEARINGS BEFORE THE HOUSE SELECT COMMITTEE ON MISSING PERSONS IN SOUTHEAST ASIA NINETY-FOURTH CONGRESS FIRST SESSION

PART 1

SEPTEMBER 23 AND 30, OCTOBER 9 AND 23, 1975

Printed for the use of the
Select Committee on Missing Persons in Southeast Asia



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BACKGROUND NOTES

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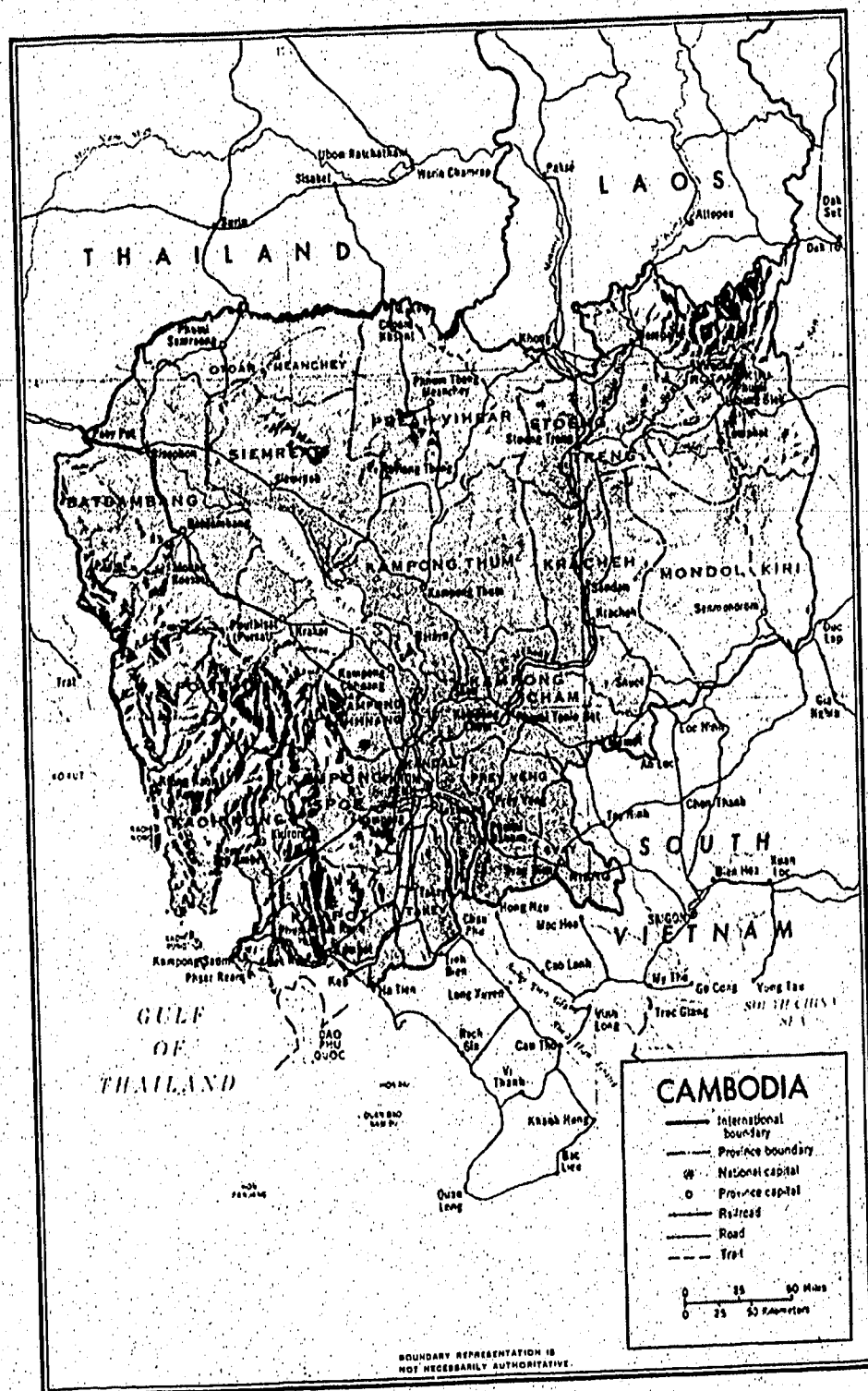
The purpose of this Select Committee is to conduct a full and complete investigation and study of (1) the problem of United States servicemen still identified as missing in action, as well as those known dead whose bodies have not been recovered, as a result of military operations in North Vietnam, South Vietnam, Laos and Cambodia and the problem of United States civilians identified as missing or unaccounted for, as well as those known dead whose bodies have not been recovered in North Vietnam, South Vietnam, Laos, and Cambodia; (2) the need for additional international inspection teams to determine whether there are servicemen still held as prisoners of war or civilians held captive or unwillingly detained in the aforementioned areas.

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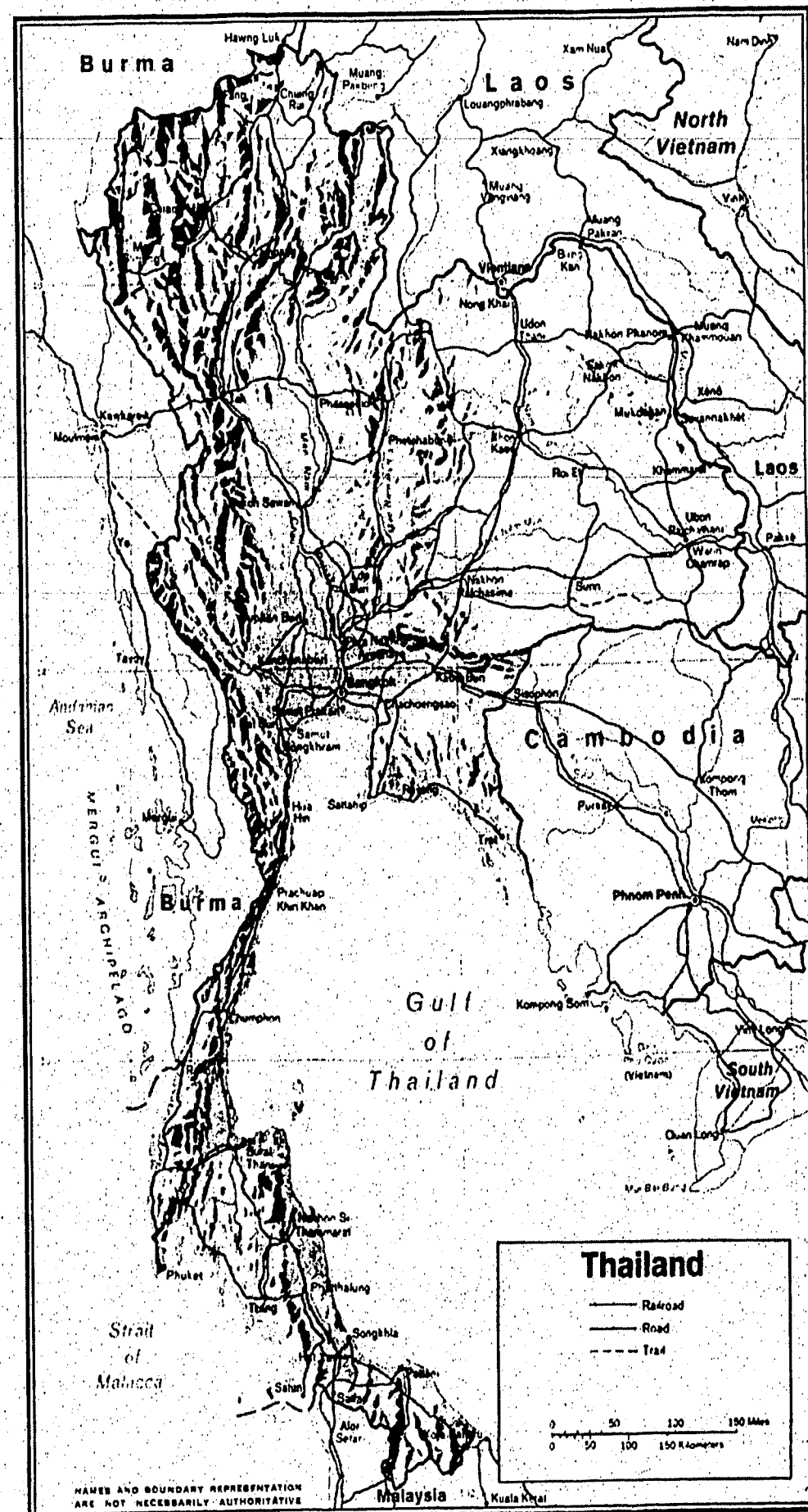
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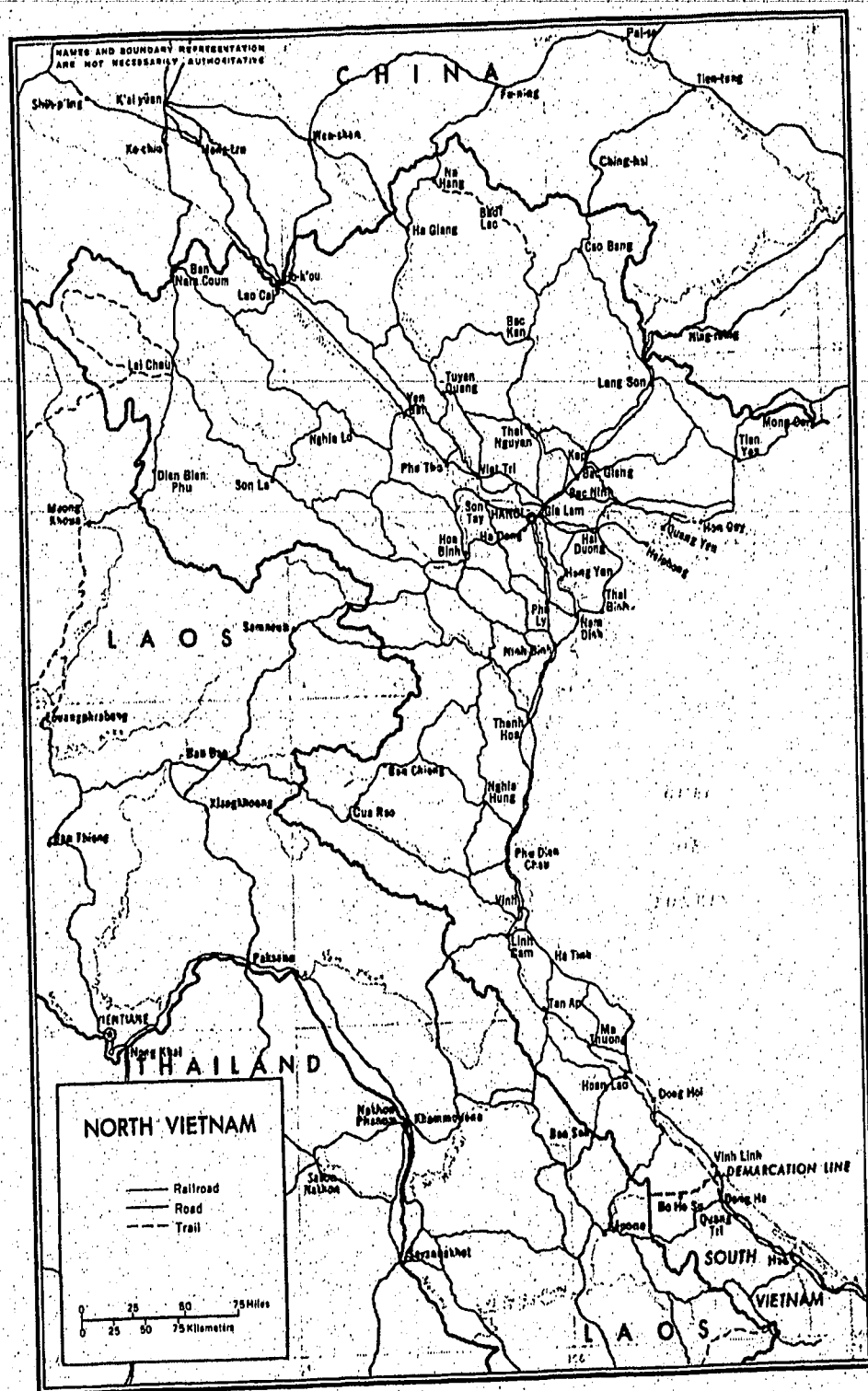


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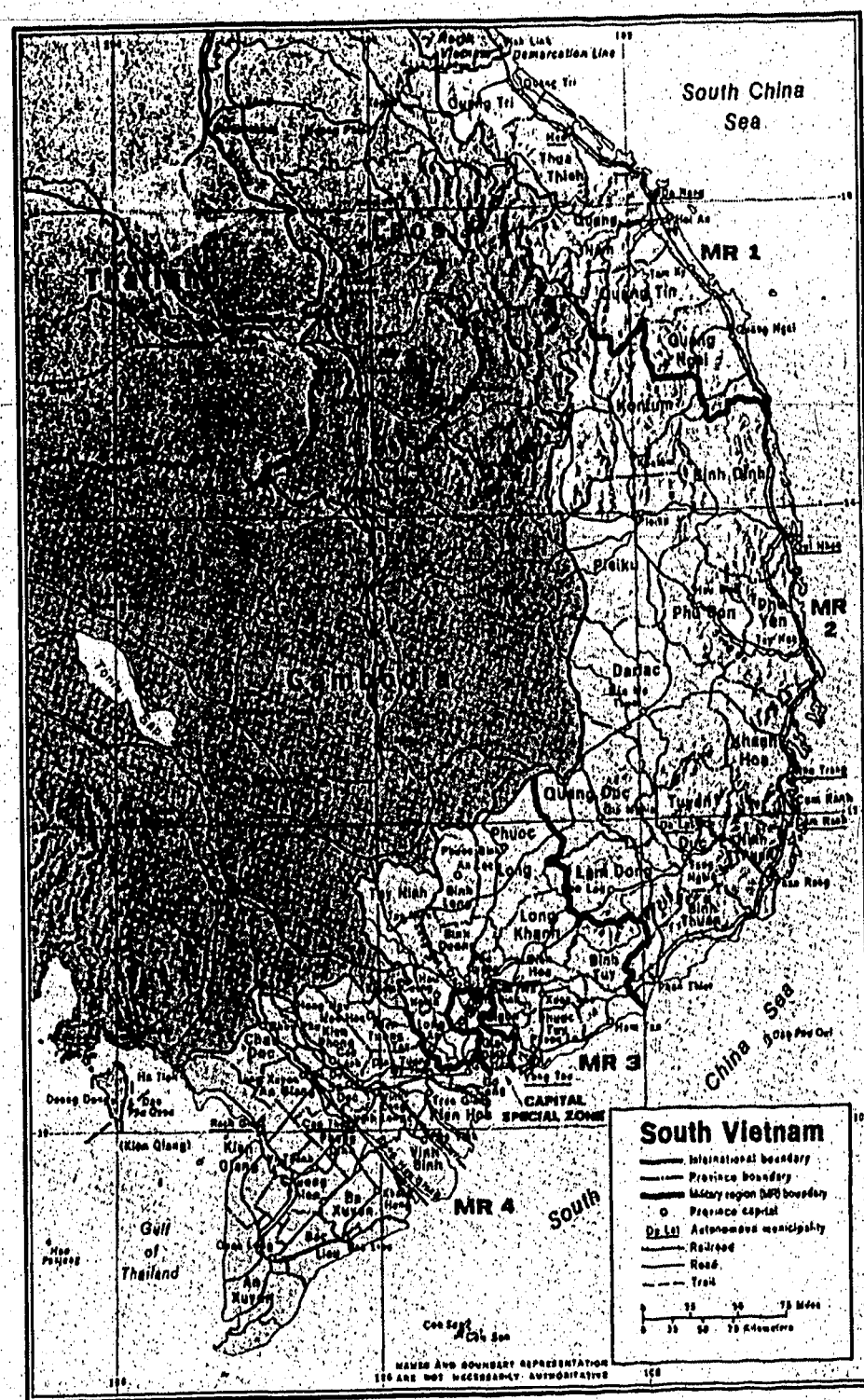
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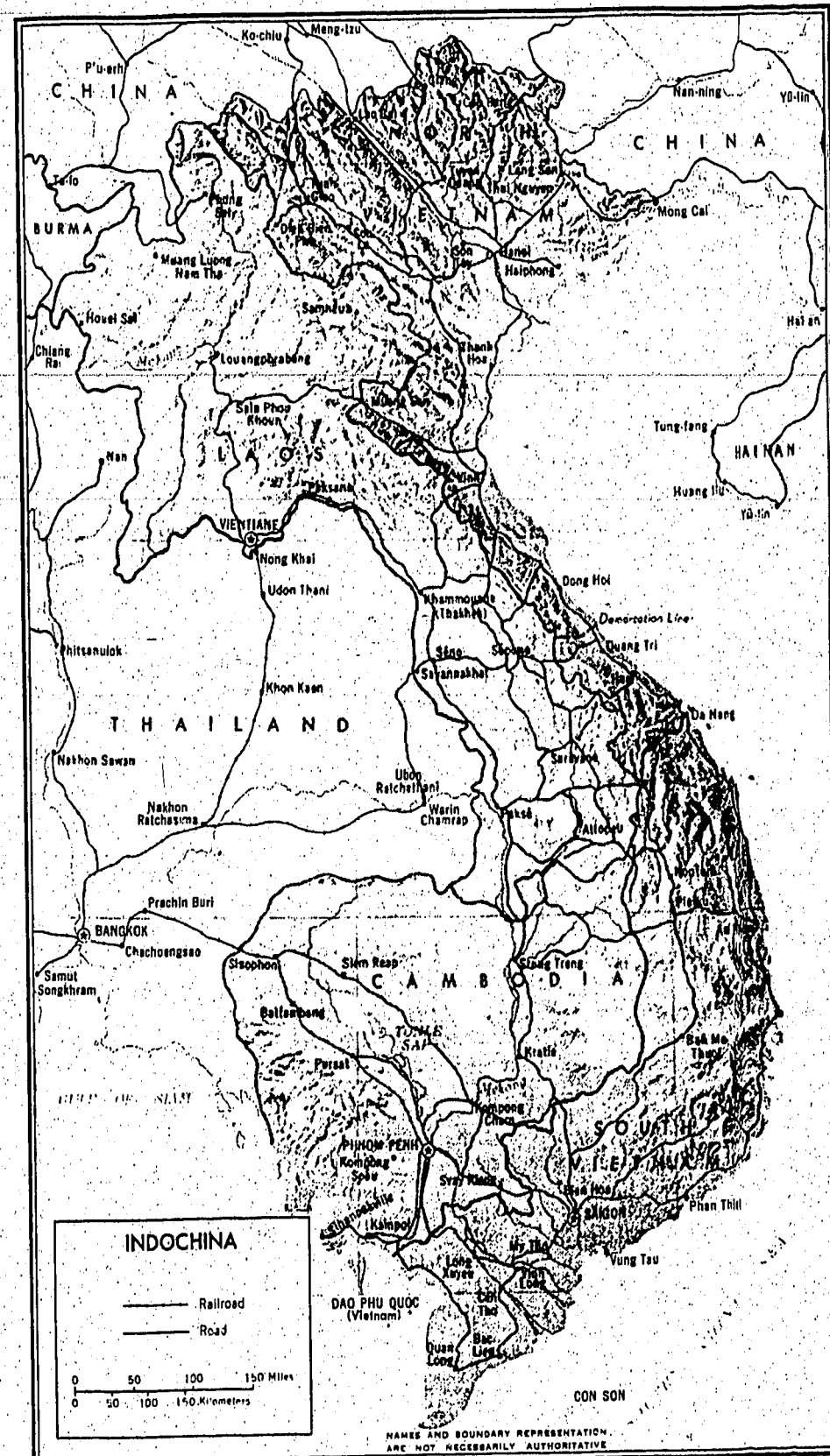
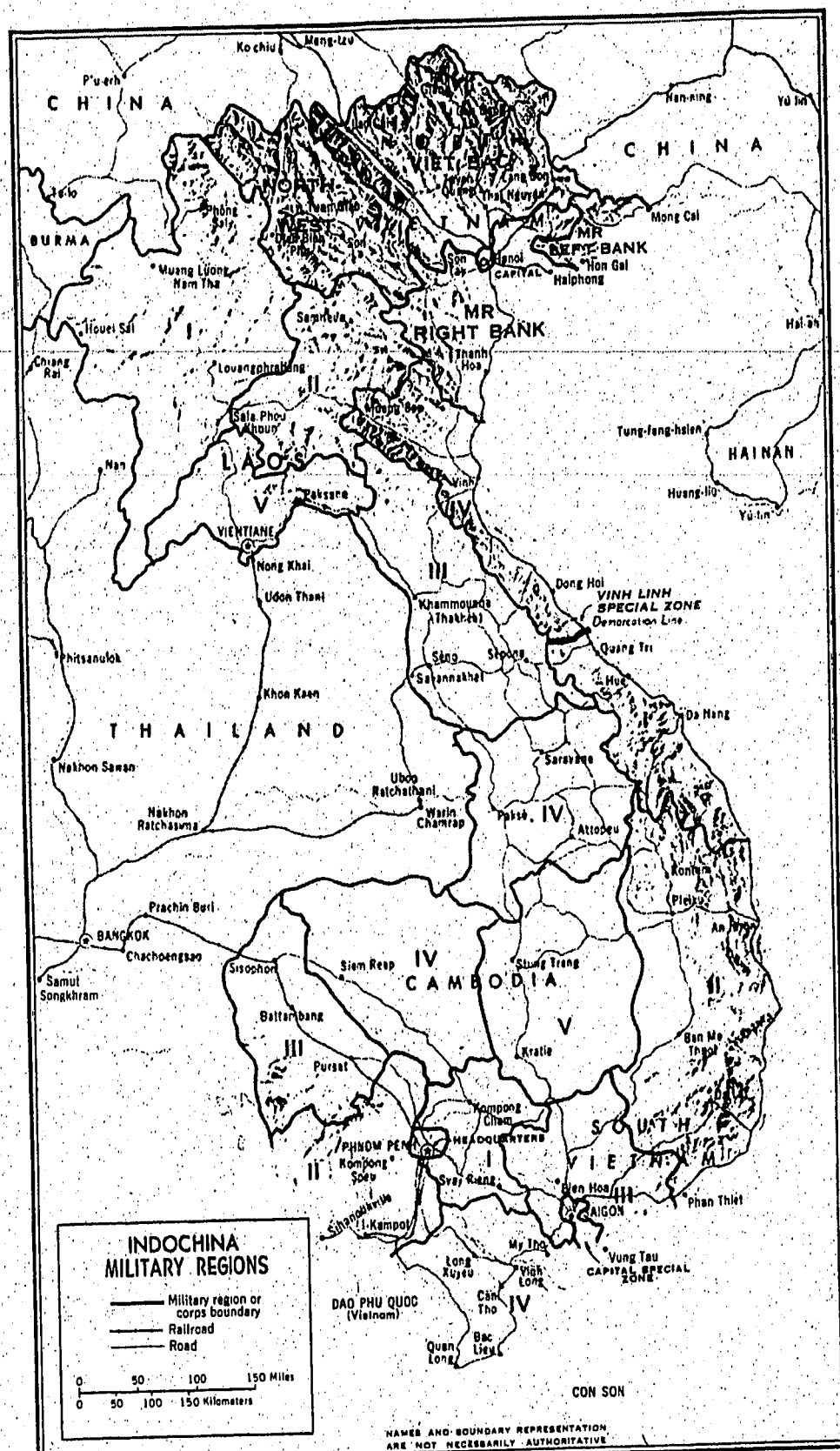
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HOUSE SELECT COMMITTEE ON MISSING PERSONS IN SOUTHEAST ASIA

TUESDAY, SEPTEMBER 23, 1975

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON MISSING
PERSONS IN SOUTHEAST ASIA,
Washington, D.C.

The select committee met at 3:25 p.m. in room H-128, the Capitol, the Honorable G. V. (Sonny) Montgomery (chairman of the select committee) presiding.

Present: Representatives Montgomery, Gilman, Gonzalez, Guyer, Harkin, Lloyd, McCloskey, Moakley, Ottinger, and Schroeder.

Witnesses: Mr. Frank Sieverts¹ and James Wilson² of the Department of State.

The CHAIRMAN. I believe we should start the meeting. We will be interrupted, but I think it would be best to proceed.

Mr. Sieverts has passed out figures on the categories. It's 863 unaccounted for, of which 758 are missing in action, 69 missing in action nonhostile.

As Mr. Sieverts explains it, that is over noncontested territory. Is there a time limit? I know of a plane that went down in the Gulf of Tonkin and seven parachuted out and five were wounded. This was 2 weeks ago. Would that add to that figure? Are we still carrying figures like that over Southeast Asia?

Mr. SIEVERTS. I don't think recent casualties like that would be added to these figures.

The CHAIRMAN. The 36 prisoners of war, these were Americans actually identified, the families heard from them and pictures were seen of them, and they never did show up; they weren't released in January or March of 1973.

Mr. Frank Sieverts is here today from the Department of State. Mr. Sieverts, representing the Secretary of State, over a number of years has been working in the field of the missing in action and also prisoners of war, working with the Defense Department.

Mr. Jim Wilson, also of the State Department, has been in that section for several years himself. How long, Jim have you been in this?

Mr. WILSON. My position is a new one. I am technically called the Coordinator for Humanitarian Affairs, and prisoners of war is one of my three hats.

The CHAIRMAN. You have three hats?

Frank, do you come under that section?

¹ For biographical data of Mr. Frank Sieverts, see p. 125.

² For biographical data of Mr. Jim Wilson, see p. 125.

Mr. SIEVERTS. Yes, we are established as a coordinator, which covers this area as well as two others—that is, refugees and human rights.

The CHAIRMAN. And Jim Wilson heads that up? He wears three hats?

Mr. WILSON. That's right.

The CHAIRMAN. Frank agreed to come with Jim Wilson and we are going to open it up for questions right now.

I might say that Mr. Wilson and Frank have no objection to staff being here today—although we did send out word that we believed there might be top secret information discussed, but right now we are not going to do it. Mrs. Schroeder, do you want to start with the questions?

Mrs. SCHROEDER. No, go ahead. Do you want us to start questioning?

The CHAIRMAN. Yes, let's get right into it.

Mrs. SCHROEDER. OK. I have some questions about what the State Department and the Defense Department's position is on the three or more bodies—I'm not sure exactly how many there were—offered by Hanoi, supposedly, a couple of weeks ago.

Mr. WILSON. Do you want to take that one from the top, Frank?

STATEMENT OF FRANK SIEVERTS, SPECIAL ASSISTANT FOR POW AND MIA MATTERS, DEPARTMENT OF STATE

Mr. SIEVERTS. Sure. The situation really begins many years ago when these men were lost. On the 22d of April, 1975, the North Vietnamese broadcast three names and indicated that these were three men who had died in their crashes in North Vietnam; provided the names, and also, at the same time, sent the names in a letter, a piece of correspondence, to Senator Edward Kennedy of Massachusetts. This was, of course, about a week before the final evacuation of Saigon, so it came during a period of intense activity.

We, in due course, reopened contact with North Vietnam on this subject, and asked them to confirm the information to us directly. We didn't consider it satisfactory to have names simply broadcast, and even the names provided to Senator Kennedy were in a postscript to a piece of correspondence dealing with other subjects. Also, there was some misspelling and minor errors in the information, so we did want to confirm the information.

And, of course, we wanted to try to arrange for the return of those bodies, and we also wished to use this occasion to raise the overall subject of the missing in action.

This was done in an official contact between a representative of our Government and one of the North Vietnamese Governments.

Over a month went by, and then, in early August, the North Vietnamese responded by saying they would be glad to have those bodies returned, and they confirmed the information on the identities to us, officially and directly. This response came 2 days before the vote in the United Nations on the Vietnamese membership application, in which the United States vetoed that application on the ground—which was made very clear—that we could not accept what the Secretary of State called "selective universality." In other words, we wanted to have all eligible countries in, and that included South Korea, so it was not aimed at Vietnam, and this was at the time by our Ambassador.

However, North Vietnam reacted adversely to that, and the day after the veto, they called our representative back in and, in effect, reneged on the offer by saying that, although they had demonstrated "goodwill," the United States had not demonstrated "goodwill" and, therefore, the offer was off for the time being.

They didn't say it was off permanently and forever, but said it could not be implemented for the time being.

We responded again and told them that we thought it was most unfortunate to link this with an unrelated political-type issue, and this was clearly a humanitarian problem, not just the case of the three, but also the whole subject of the MIA's.

But that didn't seem to convince them, and their representative implied that until there was some movement on the U.N. membership issue, there wouldn't be any responsiveness on their part. That's where it stands at the moment.

Secretary Kissinger spoke about this at the meeting with the Southern Governor's in Orlando on the 16th of September, and criticized this North Vietnamese policy by likening it to the way they handled the POW situation; in other words, attempting to use the MIA's as a form of bargaining for other purposes.

Mrs. SCHROEDER. My question is, don't we have another vote in the Security Council coming up, because of the General Assembly?

Mr. SIEVERTS. Probably. I don't think it's quite set, but the General Assembly voted last Friday, by a strong majority—123 to 0, with about 10 abstentions, including the United States—that the subject again be referred to the Security Council, and that probably means the Security Council will take it up again. It's my understanding that it will simply be a repeat of the vote which took place in August.

Mrs. SCHROEDER. There isn't any way we can abstain in the Security Council? If we would do that, would that be acceptable to Vietnam?

I understand that since Korea—they don't want to be in the U.N., so we don't know why they are wanting to make such a—

Mr. SIEVERTS. I wasn't aware of any change in South Korea's position. This all begins with South Korea's intense desire to be in the United Nations.

Mrs. SCHROEDER. South Korea—

Mr. SIEVERTS. South Korea, as far as I know, still wants in, and I am not aware of any change in that.

Mr. OTTINGER. Wouldn't the Secretary, do you think, in consideration of being able to make some movement on the missing in action issue as a whole, take under consideration abstaining or not being there for that vote?

Mr. SIEVERTS. I can't comment on that definitively, but it does seem this is a decision taken fairly recently on a respectable ground of trying to open up the U.N. to all countries that want in, and have the right to be in. There doesn't seem to be any change in our policy between August and now. I would rather think we should look in other directions as to what we might expect from North Vietnam to cause the United States to change its policy, rather than the other way around.

The CHAIRMAN. If this select committee—I'm not saying it would do it, or that I would even support it—but if the select committee would send a resolution or a letter to Secretary Kissinger, do you think it would have any effect on him abstaining?

Mr. SIEVERTS. I wouldn't want to try to predict the Secretary's reaction to a congressional action of that kind. Of course, he always listens with respect to what he hears from the Congress. I would think, though, that on this issue, the position is clear and fixed, at least for now, so I don't think—

The CHAIRMAN. That it would do any good.

Mr. SIEVERTS [continuing]. I don't think the Secretary would change our position on this at this time.

The CHAIRMAN. I'm not even sure—and this is getting ahead of that—I'm not even sure we would want to do it, but I was wondering if you thought it would have any effect.

I guess what Mrs. Schroeder and Mr. McCloskey were talking about is this is in our area. We would like to show somebody that we are taking some type of interest; and how to do that is, I guess, what Mrs. Schroeder is driving at, also.

Mrs. SCHROEDER. I think my real question is, it almost sounds like what can we possibly do if we can't move on that issue? We had some Socialist Party workers from Japan here, and they agree with Vietnam on that.

I really think saying we are going to get Vietnam to change their mind is really kind of—how are we going to get them to change their mind?

It seems to me, if that's going to be what they say, that the beginning or starting area is our accepting them in a certain status in the U.N., it's very depressing because I don't see how we can move off of that.

Mr. SIEVERTS. I would say again that the issue in the United Nations is not basically a Vietnam issue. It's the universality issue, and it could be resolved in several ways, of which the most obvious is for the Communists to withdraw their objection to South Korea coming in.

Mrs. SCHROEDER. The General Assembly seems to be supporting admission of Vietnam. We are not in the mainstream.

Mr. SIEVERTS. There seems to be a strong majority with the opposite point of view, that's correct; but nonetheless, it's an issue on which the Secretary of State feels our position is correct, and I don't think that he's going to be changing it. In fact, I think the way I'd put it is that the current period in which this General Assembly vote was taken, and perhaps the further meeting of the Security Council, are still part of the same initial decision. This is still the same General Assembly.

If there is an analogy in the Congress, it's like the vote to reconsider and then to lay it on the table—those two pro forma actions that take place after a vote has been taken. You don't often get changes of vote during that period.

Mr. GUYER. This may be academic. Mr. Chairman, but I think we have two choices: One is to see if a paramount decision that is beyond our control, at say the diplomatic level, changes the climate in which we can move; or shall we move without that change.

I think the overpowering consideration is not the U.N. so much as it is the going back to the cease-fire articles where they still contend that we broke them by supporting the other side militarily at a time when there was a cease-fire in operation, and until such time as we keep the part of the bargain which they contend is economic assistance—I may be offbase on this, but I think it's right—that they say they use Vietnam as one word—not South or North—and in those articles was an indication of the faith that we would help in recon-

struction until that is done, what are we talking about? Am I close on this? I believe that is their broad thesis.

Mr. OTTINGER. I think the bottom line question from us is the willingness of the State Department to sit down with the North Vietnamese and discuss a range of issues, which is their communication in response to what we send.

What is the attitude of the State Department toward discussing with them, I suppose, a number of things that they are interested in—recognition of some kind, some kind of monetary compensation, maybe trade—and the whole question of the missing in action?

Unless there's some indication of a willingness to discuss and move toward normalization, I think our ability to deal with North Vietnam, who have the information we want, is going to be very difficult. What is your assessment of that? Where is the State Department's whole posture at this point in being willing—

Mr. SIEVERTS. I think the Secretary's view is that this was negotiated for—negotiations took place in the latter part of 1972 and early 1973—and it was settled, and there were specific provisions on the accounting for the missing, and these were not linked to other parts of the Paris agreement.

Violations of the Paris agreement, of course, were enormous on the other side, and we find it ironic that they should now speak as if there were provisions of that agreement which the United States had to fulfill before North Vietnam fulfills this humanitarian requirement, which, by its own terms, was not linked to other elements of the agreement.

We negotiated for this once. It was settled. The agreement on accounting for the missing was specific and far reaching, and stated more strongly than in any previous agreement between countries that had been involved in an armed conflict.

I think the Secretary feels that we should not have to pay again for the same thing.

Mr. WILSON. Well, there is the additional consideration here that the action of the Democratic Republic of Vietnam with respect to the MIA's is not completely dependent on the Paris accords by a long shot. They do have an obligation beyond the obligation of the Paris accords, under treatment of prisoners arrangements and customary international law.

Mr. GILMAN. Mr. Chairman, if I might direct this to Mr. Sieverts, I have only been involved for 3 years, and you have been involved a lot longer, but hasn't it been, on each occasion, that they have asked for something further?

Initially, it was when we talked with them at Vientiane—stop the military supplies from coming down the Ho Chi Minh Trail and get the troops out; and we'll talk to you about the MIA's.

The next step was after the hostilities ceased, if you would start talking about reconstruction funds, as Mr. Guyer mentioned, and then we'll talk about MIA's. And now it's if you will admit to the U.N., we'll talk about it.

Each time there has been a further roadblock along the road, and still we have had no information. So it's been a continual policy of obstruction and refusal to discuss and to provide the basic information that should be available under the Geneva accords.

So that I don't see actually any progress over a 3-year period. It's just finding one excuse after another for refusal to discuss and provide information, and I think that it's going to need more than just an appeal, a direct appeal, to Vietnam to come forward with information. I think it's going to need more of an international world opinion. It's going to need pressure from some of the larger power groups, from some of the more powerful nations such as the Soviet Union and Red China and get some of the other countries involved, in order to finally begin to get the information or the availability of examination of crash sites, which I am sure can help us to dispel a lot of the questions that we have.

The CHAIRMAN. How big a staff do you have Mr. Sieverts, for the record? How many do you have working on the MIA matter?

Mr. SIEVERTS. There are two people in my immediate office.

The CHAIRMAN. Two people in the section?

Mr. SIEVERTS. Right. In the State Department. But then I work very closely, and have for some time, with two other offices, in which a number of people are assigned to work with me on this; that is, the Vietnam desk and the Laos desk. My office is part of the new Coordinator for Human Affairs structure.

There's no lack of people, or time and attention, in the State Department, and no lack of interest on the part of the Secretary of State, I might add, who negotiated this agreement and continues to take a strong interest in it, and is, therefore, himself rather outspoken—as his statement in Orlando made clear—on the unacceptability of North Vietnam's attitude.

If I may just continue what Congressman Gilman said, it seems to me that one thing the select committee might consider is what is it that we could expect North Vietnam to do for the United States to change its position, rather than what should the United States do to get North Vietnam to change.

It seems to me that we have a tendency to assume away our own virtues and assume away the other side's guilt. Maybe we should turn that around.

When it comes to violations of the agreement, there is just no question that the movement of North Vietnamese forces into South Vietnam is substantially more significant than any question of whether the Congress should or shouldn't provide reconstruction aid after the fact to North Vietnam. Accounting for the MIA's is something North Vietnam could do if it's really serious about improving relations with the United States.

Mrs. SCHROEDER. They did come forward with the offer of the three. You didn't read that as an opening?

Mr. SIEVERTS. If they had proceeded, gone through with that, and recognized—as we made as clear as we could, in statements on the floor of the United Nations and in private contacts with other governments—that it was not aimed at them, but at the Korea issue—if they had gone through and proceeded, it seems to me that the climate of this discussion and in the Congress in general would be more positive.

Mr. HARKIN. But what was the posture of the State Department when they offered the three?

Mr. SIEVERTS. We went ahead and said yes, we would send a plane to Hanoi, prepare various arrangements for them. In fact, the first thing we said was to state our appreciation for this.

We'd be glad, I think, to share the record of this with the Select Committee, to show you how we handled it.

Mr. HARKIN. I would certainly like to see it.

The CHAIRMAN. Who implemented the request? The North Vietnamese, and from where did it originate?

Mr. SIEVERTS. The North Vietnamese broadcast it from Hanoi, and sent the letter to Senator Kennedy. Curiously, that came in the form of a postscript to a letter that Senator Kennedy got from the P.R.G. Mission—South Vietnam's Mission in Paris.

The CHAIRMAN. Recently?

Mr. SIEVERTS. April of 1975. And our contact to follow up on it was with the North Vietnamese Embassy in Paris.

Mr. McCLOSKEY. Mr. Chairman, I'd like to just ask one question, and it may be illuminated by the problem that I face. The question is this:

Would Secretary Kissinger be willing to come down and testify to this Select Committee? If so, would he want it in executive session, without staff? Would he want ground rules as to what we might state publicly about what he said?

The reason I ask the question is that, from my own background in this matter, I have the impression that Secretary Kissinger alone knows precisely what happened in his negotiations with the North Vietnamese and the P.R.G. And that the frame of reference we are in, which is, at least on my part, as to whether we best achieve our result by being in partnership with the State Department or somewhat in an adversary position.

I think we start new. I don't think we can claim they are wrong, or we are right, in anything that has occurred up until this time. They are too hardheaded in their negotiating posture. They use every weapon they can, and don't think we are in a humanitarian situation, nor are we in a legal one, where we can claim their violations are worse than ours. I am uncertain as to how to reach and address those questions without hearing the Secretary himself say personally to us where he has been and what his priorities are. That's why I ask this question. I think we flounder and we are capable of making mistakes with anything less than the Secretary's personal statement as to where he is, and where he wants to go, and where he sees the risks. I say this, Mr. Chairman, because it may be the secret desire of the State Department that we put more pressure on them than we might ordinarily do to enhance their negotiating position.

On the other hand, it might be precisely to the contrary, that we would hurt their position by taking an adversary position; but I have no way to appraise it without hearing the Secretary himself. His secretary is now my secretary, and I don't think she feels she fully understood what the Paris agreements were, even though she typed them. That's why I say I think we flounder.

The CHAIRMAN. You mean she worked for him?

Mr. McCLOSKEY. Yes; she typed them.

The CHAIRMAN. We have some ground rules here. On the second bells, we run up and vote, and probably will have this vote and another one. If you could stay a little longer, we will probably be gone 20 minutes, or it might be three votes. And if the Committee members will come back, we'd appreciate it, and we'll get into more nuts and bolts.

Mr. SIEVERTS. Let me first respond to Congressman McCloskey's observation about whether the select committee should work with or against the State Department. I certainly hope we do work together. If there is any subject on which all parts of the Government have a common cause, it's this one. We at State welcome the possibility that the work of this select committee will bring more attention in this country and elsewhere to this subject, and thereby make clear that it is one in which a solution is possible if only people recognize their humanitarian responsibilities.

On the Secretary of State, I personally hope he will come, and will support the select committee's request for him to come. He's a very busy man, and we will just have to take that up within the Department.

He is in New York this week, so it has not been possible to raise this with him since I met with the chairman yesterday, but I have called it to the attention of his personal staff and they are aware of it, and we will try to get an answer to you as soon as we can.

The CHAIRMAN. At our last meeting—you weren't here, Mr. McCloskey—the select committee instructed me to formally invite Secretary Kissinger, which I have done through Mr. Sieverts. You might take it up with the Secretary whether he'd like to start out in open session, and then take a vote of the select committee to go into closed session, if that's what he wanted.

I think there are some questions that he's going to have to face from this select committee. I know Mr. Gonzalez is interested in part of paragraph 2(b), and we all know that Dr. Kissinger negotiates himself—it's coming out more and more in the Middle East—and I assume he did this.

Mr. GUYER. I feel that's true, Mr. Chairman. If any of us were successful in seeing anybody, we couldn't speak for our Government. If we got an audience, we'd have no information. We'd just be sort of treading water. We couldn't say, "If you do this, we'll do that," if we weren't on the same wavelength with our State Department's position.

Mr. GONZALEZ. A while ago, Mr. Chairman, Mr. McCloskey said something that interested me. He was talking about trying to answer that question, and then deciding what to do, and possibly what pressures to put on. I'd be interested in knowing what those possibilities are—what kind of pressure is available to us.

Mr. McCLOSKEY. It seems to me that, as part of the legislative branch of Government, we obviously can't negotiate. Constitutionally, I think we'd violate our own laws which state it's a crime for anyone other than the executive branch to negotiate. Obviously we can bring pressure on the State Department to change a negotiating posture. I suppose, but we can't change the law through one House of the Congress. I just can't answer those questions that I raised without a hearing from the Secretary personally.

I state my reservation: My reservation is, about the one thing I'm not so sure of, is that the Secretary does pay close attention to what the Congress says. I have felt a certain disdain sometimes for Congress, particularly one House of Congress, and I am anxious to see that disdain removed, and us be more cooperative with the executive branch.

I would like to know from the Secretary what priority he puts on getting the MIA's back, as compared, say, with the priority of keeping our United Nations posture, or perhaps our Korea posture, or our Taiwan posture. I don't think anyone can speak for the Secretary except himself to satisfy us as to what his priorities are, and whether they are in accord with the priorities we might set in the House. That's my question.

The CHAIRMAN. We will be back in about 25 minutes.

[Recess for floor vote.]

The CHAIRMAN. Back on the record.

Mr. WILSON. There are 10 American civilians still held who were captured before the fall of Saigon.

Mr. SIEVERTS. Right.

The CHAIRMAN. Why would they take them? Are they American government employees?

Mr. SIEVERTS. There are also about 50 Americans who are not prisoners in South Vietnam. They are all civilians. They are every kind of person—missionaries—

Mr. GUYER. Newspaper people?

Mr. SIEVERTS. There were some. The newspaper people have all left. They were among the first to be asked to leave. There are a few volunteer workers such as Quakers and Mennonites who stayed voluntarily, but many of them left, and the majority who are now there are there involuntarily—businessmen and so forth.

Mr. GUYER. They are not really being detained, they are just there.

Mr. SIEVERTS. A good 50 of them are not being detained in the sense they are not in jail or detention camp, but they are under what amounts to a sort of house arrest.

The CHAIRMAN. They go to the airport at Tan Son Nhut, as I understand it, and they will turn them back.

Mr. SIEVERTS. That's correct. Some of them have the special problem that they are trying to bring relatives out who may be Vietnamese—wives and children—and the Government is unwilling to let that happen.

Mr. GUYER. How many families applied for KIA status?

Mr. SIEVERTS. Well, as Mr. Gilman said before, it's an oversimplification. The way it was, as of February 1973, we had about 1,320 military personnel and about 30 civilians who were listed as missing.

As a result of legal action taken by some families, the Defense Department felt it could not initiate status changes unless certain actions were taken by the families to indicate their readiness to accept this.

Some families requested these status reviews, and in almost every case where such a review was requested, this has resulted in a change from missing to killed. About 480 men that have been changed from missing to killed.

I would emphasize these status changes are essentially domestic matters. They do not affect the way we go at this subject internationally. We have never taken a man off the rolls we use in our negotiations if his status is changed from missing to killed. In fact, the list of 1,300 names published in Representative Zablocki's Foreign Affairs Committee hearings last year is the same list we have used in our dealings with the North Vietnamese.

Mr. GUYER. There is the case where the parents wanted the son listed as missing in action, and the wife wanted KIA so she could remarry.

Mr. SIEVERTS. That's correct.

Mr. GUYER. She won out, as a matter of fact.

Mr. SIEVERTS. Yes; since the primary next of kin is the wife. If there is no wife, then the parents are primary. There are cases where the wife has exercised this initiative and the parents have been unhappy about that.

I might say that of the three men whose bodies were offered to us by the North Vietnamese, two of them had been legally declared dead a long time ago. One of them, Lt. Comdr. Jesse Taylor from the U.S. Navy, had been declared dead as of the day he was shot down, in November 1965. His wife had long since remarried, and the Navy Department had some effort to find his relatives 10 years later, because he was no longer an active case as far as they were concerned.

But he was just as much unaccounted for as one of those 800-or-so MIA's, and from the North Vietnamese point of view, they wouldn't know whether we declared that man as dead or missing. That's why I emphasize this legal determination has domestic consequences but it doesn't change the way we go at it internationally.

The second one, Lt. Col. Crosley J. Fitton, USAF, had been declared KIA following a status review initiated at his wife's request.

Mr. GUYER. I notice, in meeting with the League of Families people in Ohio, we had a press conference on television and radio, and they would not appear because they didn't want to be identified. They felt that if their son were alive, and they were giving evidence they knew he was alive, then it would jeopardize him at the other end, so they didn't want their picture taken.

The CHAIRMAN. Are you saying that the three bodies that we thought we were going to get back had all been declared as killed in action?

Mr. SIEVERTS. No; two of them. One of them was already declared dead at the time he was shot down. One of them was MIA until about a year ago, when one of those reviews took place, so he was declared dead on the basis of the examination of the circumstances.

The third one, Capt. Ronald D. Perry, USAF, who was shot down in 1972, continues to be listed as missing.

But my point is that all three—two KIA, one MIA—were all unaccounted for. In the case of Colonel Fitton, where the wife had made the request for a status review, the mother found some reassurance out of the announcement from Hanoi. She was saddened by the news, of course, but she talked to me about funeral arrangements and she is upset that there is a delay in returning the body, because when we got the indication that the bodies could be returned, we immediately informed the families, and this created an expectation that this might happen soon.

Mr. GILMAN. Was that the first that we had learned of the bodies when they sent that postscript to Senator Kennedy?

Mr. SIEVERTS. In those three cases, that was the first confirmation in those three cases; yes.

Mr. GILMAN. And these had been shot down as late as 1970 or 1972?

Mr. SIEVERTS. As early as 1965 and as late as December 1972, so it spans on almost 8-year period.

Mr. GILMAN. Are there other graves that are known to be in Vietnam, or Laos, or Cambodia, at the present time that we haven't exhumed or repatriated?

Mr. SIEVERTS. Yes; we can be quite certain there are. And this is really at the heart of the problem that I think the select committee will want to look at.

The North Vietnamese have hinted there are more graves in their territory in North Vietnam, and the provision of these three names is a confirmation of those earlier hints, which they would give to Saigon in private contacts and in press conferences connected with the Four Party Team.

I think there is no doubt that there are other graves in North Vietnam in which Americans are buried on whom they could give us information.

Mr. GUYER. Those graves aren't identified now?

Mr. SIEVERTS. That's correct, they are not identified now. In South Vietnam we have, just to start with, graves of a number of men who were identified by the Vietcong, the P.R.G., as having died in captivity. In some of these cases, we even know from the returned POW's more or less where they were.

The POW's did not usually witness the actual death and burial of their comrades, but they would observe a man very ill, and then they would be told he died. In a few cases, they were actually part of the burial party and helped dig the graves. So they knew, within a certain range and area, about where the grave might be.

But in every case, these were contested areas under Vietcong control, so there has been no chance for us to go in and look for any of those. There is a list of people we know about whose graves have not been found.

The CHAIRMAN. How many?

Mr. SIEVERTS. About 40 in South Vietnam.

The CHAIRMAN. In Laos?

Mr. SIEVERTS. In Laos, we know much less, unfortunately. There, we have had many men lost. Over 300 lost, only 9 returned. There had been indications that there might be more, but no conclusive evidence as to what happened to the others.

We must assume that there are graves for some cases, at least, even though it may be that in Laos—which is very rugged territory, with mountains heavily wooded—there is probably a higher percentage of aircraft losses where the aircraft would be very difficult to find even immediately afterward, let alone 3 or 4 years afterward.

The percentages are probably less good in Laos than they would be in North or South Vietnam.

Mr. GUYER. If we had complete cooperation and could go in for inspection and visitation, would it be your judgment that practically

all the families would want their loved ones returned? Or would it be a percentage that would not want them home? I just wondered.

Mr. SIEVERTS. It's an interesting question, Congressman. Earlier on, I raised that with the Defense Department, because it seemed to me that in my own personal case, if this happened, I might not want to have my son or relative brought back, but rather have him left to rest where he was buried. There is a long tradition of that in America, as well as in other countries, of establishing a military cemetery in a foreign land, maintained in perpetuity. However, it's been the experience of the Defense Department, I believe, that the families all have concurred, often very eagerly, in the return of the bodies.

This is especially so because there isn't any indication that visits would be allowed to these graveyards. When cemeteries have been created, such as in France and elsewhere in Europe, it's been under conditions where relatives could then visit the graves.

Mr. GUYER. Thank you.

Mr. OTTINGER. In response to my previous question of the attitudes of the State Department toward opening up discussions with the North Vietnamese, and the whole range of issues of what they are interested in discussing, as well as what we are interested in discussing, you felt that they had a separate undertaking that was made. Returning the MIA's was required under international law, and you thought they had to come with some kind of gesture first. The indications we got from the Friends Service Committee is that they are willing to sit down without any preconditions.

From where I come from, anyway, and I think the attitude of the North Vietnamese is that we made a moonscape out of their country, we killed thousands and thousands of their people, and disrupted their economy completely, and the notion that they should have to come forward first in these circumstances seems incongruous.

I just wonder if our interest is really sincere, in terms of the Government, in terms of getting something done. We don't have to face the realistic situation as it exists now. I think we are going to have to indicate at least our willingness to discuss these problems in order to get any movement.

The State Department is going to have to take a less intransigent point of view, and a less perhaps historical point of view, on this, because I'm sure they can cite things that we agreed to that we haven't come forward with. Weighing one against the other in these kinds of circumstances is a very difficult thing. Just speaking for myself—because I can't speak for anybody else—my inclination would be to put considerable pressure on the State Department, or hopefully get their agreement; to indicate somewhat more willingness to move. What is your indication?

Mr. WILSON. Well, part of the problem is that we have been willing to sit down and talk to them about this MIA problem, and, indeed, have indicated on any number of occasions that this is the case.

The problem has been raised by their tendency to attach preconditions on our sitting down; and it's the preconditions that we have got hung up on, not the conversations.

Mr. OTTINGER. I sent to Mr. Sieverts the communication I got. I take it the American Friends Service Committee got it in writing.

I don't remember the name of the official. The indication in the note was they got it in writing, that they are willing to sit down without preconditions.

Mr. WILSON. It's a little bit like a situation which I am faced with in one of my other hats, that is, the question of sending back those Vietnamese who had indicated they wanted to be repatriated back to Vietnam. We've got over 1,800 of them. The authorities in Hanoi, the authorities in Saigon, have said to various people that they want them back, that there is no reason why they should not come back. Yet, the U.N. High Commissioner for Refugees gets told something else when he goes to see them, and the preconditions are imposed at that level, which do not appear publicly.

We'd love to send these people back. We'd love to. But we simply can't do it at this point in time.

Mr. OTTINGER. How do you feel it's best to proceed? For instance, I haven't picked up on this response that I got at all to the Friends Service Committee. Do you think that we should try to initiate talks—members of this select committee with the North Vietnamese? At some point we can get together with you, and the State Department will be willing to sit down with them? What do you think would be the most fruitful—from your point of view, anyway—the most desirable way of following this up?

Mr. SIEVERTS. I think that's a little bit hard for the State Department to answer, because we don't know what would be fruitful. I am certain that we do feel that whatever the select committee can do that is helpful, and does focus attention on the problem, and does make North Vietnam aware of the concern in this country about it, and the desirability of their responding to this concern in a decent way, would be considered helpful.

That could mean having contacts, but I think the initiative for that has to come from this select committee, rather than from the State Department.

Mr. OTTINGER. I am unwilling at this point to take any personal initiative without acquiescence of my colleagues on the select committee. I think we ought to do this in a joint decision; but as far as the State Department, you would have no objection to our seeking to follow this up as Members of the Congress?

Mr. WILSON. As an individual or as a select committee, if you can get the Vietnamese to talk about this without preconditions, I think everyone would be delighted.

Mr. SIEVERTS. I might say that, in terms of conditions and what is weighed in the balance, we ought to remember that when the Four Party Team was set up to talk about this, it was assumed that both sides had an MIA problem, and the North Vietnamese did, at first, come up with a number of names on whom they wanted information. South Vietnam, with our encouragement, answered those requests very quickly.

Then, when North Vietnam saw that that was going to lead them in the direction where they would, in effect, assume an obligation to respond likewise, they stopped asking for information; so if there was a "bargain" to be struck here, it could have been on that basis.

I must say I don't even think that's right. I don't think one should ever "bargain" with humanitarian information or return of remains. It's just not right to do that. There could have been a way in which one could have exchanged information or bodies, and our side was quite ready to go in that direction. It is, however, the linking of this humanitarian subject with these hard political issues—U.N. membership, diplomatic recognition, reparations—that strikes us as unfortunate and wrong.

Mr. OTTINGER. I agree. I think it's unfortunate and I think it's wrong. There it is, and the question is: What are our priorities? How important do we feel it is to get this information, to get the bodies back? Do we feel it's important enough to be undesirable to have a direct association, but to be willing to sit down and discuss the whole range of problems? At least go that far?

I suppose eventually what you come out with is our moving on some of the things that they want, and their moving on what we want. To that extent, of course, the more we indicate that the United States is really concerned about this, the harder the bargaining position we put ourselves in.

The CHAIRMAN. Mr. Gilman?

Mr. GILMAN. Just a couple of short items that won't take too much time, Mr. Chairman. I appreciate your calling on me again. With regard to the journalists missing, Mr. Sieverts, how many have been listed as missing?

Our select committee has a responsibility, in addition to the MIA's, of looking into the civilians who are also missing. How many do we have recorded as having been captured and still unheard from?

Mr. SIEVERTS. The number of journalists missing, altogether, is about 25, of many different nationalities. Of those 25, 4 are American citizens.

I would hope the select committee would look at it more broadly. The journalists committees that have been formed are international committees. Walter Cronkite heads the American section of that committee, and I think it would be appropriate for the select committee to consider this subject as well.

Most of the journalists are missing in Cambodia, and about most of them there has been no positive word for quite some time.

The CHAIRMAN. If there are no objections, Mr. Gilman mentioned to me that since Walter Cronkite does head up this journalistic committee, that the select committee might invite him to testify before the select committee. I think it would probably be good. It might focus some attention on the select committee that we might need; and it might help us in certain ways. I don't see any way it could hurt us. Is there any objection for me to move ahead and line up Walter Cronkite? I count the days back that we have lost now—we only have a year, and it's almost 2½ weeks—almost a month gone by. So you have to move in there and do it. Is there any objection to inviting Walter Cronkite?

Mr. GUYER. On that subject, I think this is a commendable action, and I think it would be foolhardy for us to talk about taking trips. We'd be just like pilgrims, knocking on doors that won't open. I think it would be highly productive if we could have a meeting once a week, or at your discretion, and have figures such as Dr. Kissinger, Mr.

Cronkite, Mr. Schlesinger, at the very outset, until we get authoritative statements as to what we can and can't do. The rest would, I think, just be a scenario of futility.

The CHAIRMAN. Right, I agree. I certainly will have no objections to individual members developing the contacts that they might have now. We have, as I said earlier, when we met last time, we have a lot of contacts in this group, and we ought to start working on them.

We should start looking at these holidays—I would say within 2 or 3 months, I think the select committee or a subcommittee should go to Paris, should go to the JCRC in Thailand, should go to Laos, if we could get in there, and we should find the proper staff man—these are just my thoughts—to put somebody in Southeast Asia representing this select committee and picking up information, calling it back to the staff director, and following up. I agree with you, we have got to get Secretary Kissinger, Mr. Schlesinger, and a few other people, to get it moving.

If there is no objection, then, Mr. Gilman, how about you following up on that; you know Mr. Cronkite.

Mr. GILMAN. I'd be pleased to, Mr. Chairman.

The CHAIRMAN. Do you have an objection?

Mr. McCLOSKEY. Just one question. I wonder if we could ask the State Department to give us a legal memorandum on the limitations that might exist on us, either as a select committee or as individual Members of Congress, in discussing these issues that border on the Secretary's discretion in negotiations.

I am not familiar with it, I just know there is something that precludes me from negotiating directly with the North Vietnamese.

Mr. OTTINGER. I looked into that at the time this was written, and there is an exception in the statutes called the Logan Act, which prohibits any citizens from negotiating with a foreign government. I don't remember exactly how it is worded, but if a Member of Congress is requested by a constituent, apparently he can follow up on that constituent's request in dealing with the foreign government. We took care to get a request from the missing in action organization before we wrote the letter, so that we would come under the purview of that act.

I think it would be good to get a memorandum, and I think it would be also helpful for us to be able to be in a position of saying we are making these contacts at least with the approval of the Department of State, with the executive department, so there can be no question.

Mr. McCLOSKEY. That's fine.

The CHAIRMAN. That's a good point. I generally agree. I wouldn't want to be too restrictive where we couldn't do anything. This is a certified, bona fide elected select committee by the House of Representatives, and I would say we would be parallel to the International Relations Committee.

Mr. McCLOSKEY. I agree with that, Mr. Chairman. My only thought is that we get their views on what our rights and maybe restrictions are.

Mr. SIEVERTS. I wonder if I could respond right now by saying that over the years, a good number of the Members of Congress—including some who are on this select committee—have taken initiatives on this very subject.

The State Department several times has indicated, publicly or in letters, that on this humanitarian problem of the prisoners of war and missing in action, we are ready to see actions like this taken by Members of Congress, regardless of considerations that may apply more formally in other foreign policy areas.

Mr. McCloskey. I think it would help, when we write our action report and take our action, if we had in writing exactly what you thought.

The CHAIRMAN. I think we understand we are not policymakers, and there could be some issues on the borders on which we would make recommendations. I think the select committee, as a whole, would try to not act as policymakers, but try to solve this issue of the missing in action. It's got to be done someday, and the opportunity is here.

Mr. Sieverts. As a matter of legislative prerogative, you are a fact-finding body, and you have quite a broad charter for that purpose in general in the Congress, to seek information.

Mr. Ottinger. I suppose we should get an opinion from whoever acts as our legal adviser. Who is that, the Library of Congress?

Mr. McCloskey. The Justice Department.

Mr. Ottinger. The Justice Department acts for us, or for the Executive? I don't know.

Mr. McCloskey. I don't know. It's the answer to that question that I think you need.

Mr. Gilman. Another question, Mr. Chairman. There are missionaries who have been missing. How many of those are still listed as missing who are Americans?

Mr. Sieverts. We have a group of American missionaries who we know are alive and prisoners right now, captured at Ban Me Thuot, South Vietnam, on the 10th of March. In that group there are six Americans plus two Canadian missionaries. Also with that group are two other Americans, for a total of eight Americans. The other two are a scholar and an AID official, making a total of eight Americans captured at Ban Me Thuot, plus the two Canadians, plus some other nationals as well. In addition, there are some missionaries who have been missing in South Vietnam as far back as 1962.

Mr. Gilman. How many?

Mr. Sieverts. Three of those; and most of them are from the Christian and Missionary Alliance, a missionary organization which has branches and representatives throughout the world.

Mr. Gilman. It has its headquarters in my district, Mr. Chairman.

Mr. Chairman, one other question. When the Ambassador to China was here, he indicated the Chinese had no information. Subsequent to that meeting, the MIA families have informed me that there were three of our MIA's that went down over Chinese territory, and that we had that information compiled by our Defense people. Is there ever any investigation with China with regard to those three cases?

Mr. Sieverts. There have been repeated contacts by senior U.S. officials with Chinese officials on the subject of Americans missing in the vicinity of China. Chinese officials have told us that they have no information. They said they would continue to look for such information, and would tell us if any was found. The most recent effort to ask them for more has resulted in the same answer.

So we have, in fact, a more definitive statement from the leaders of the People's Republic of China than we do from the leaders of North Vietnam.

Mr. Gilman. About a year ago, the Secretary turned over some 82 files to Le Duc Thu. Did we ever get a response with regard to the information in those 82 files?

Mr. Sieverts. We did not.

Mr. Gilman. Did we have any followups?

Mr. Sieverts. Yes; we have followed up. And as a matter of fact, the question is often asked, "Who were the 82?" or whatever the number was. I can't really confirm what the number was, because it was done in more than one installment, and other files were also provided through the Four Party Team.

The families have asked, "If my man wasn't on that list, why wasn't he?" The point was, we chose selected cases which were the most likely to produce an answer. Men lost right in the center of Hanoi, where you couldn't say the plane landed over water and perhaps disappeared.

If we had responses on those cases, we would then, of course, have followed up, and we were prepared to follow up. There was a program of preparing case files which continues to this day, including translating case records from our American Defense Department language into Vietnamese to make the information more accessible.

The lack of response on the case files was such that there was no reason or basis for following up with further files.

We have those files in readiness today, and are prepared to follow up the moment the opportunity is there.

Mr. Gilman. Would you be able to provide a list of those cases to the select committee?

Mr. Sieverts. You would have to ask Defense, and I think they'd be reluctant to do so, because of the implication it leaves that some were being selected for this purpose and others were therefore not selected. It was done, as I say, with a tactical aim of trying to use certain cases to coax information from the North Vietnamese, and had that worked, we would have proceeded with others; but you would have to address that to Defense.

Mr. Ottinger. Would the gentleman yield?

Is that then probably what the MIA organization indicated, that there was still a large number of files that had not been gone through by the Defense Department, because they just didn't assign adequate personnel to it? Do you think they are probably referring to making up this kind of file?

Mr. Sieverts. I don't really know what they'd be referring to, but I can state from personal knowledge that there is no file on any man who is missing—and that includes the 500 or so who have been declared dead—that hasn't been reviewed with the greatest of care to see whether there is information in the files or elsewhere in our system that should or shouldn't be in that file.

Although some of those files, as files, have not been turned over to the North Vietnamese, the names have all been given to the North Vietnamese with considerable other data.

I might say, the idea of turning over these files to the North Vietnamese was not uncontroversial at first, because you could make a case that this was providing more information than was appropriate. It goes well beyond the name, rank, and serial number, I can assure you.

The hope was that we could lay out the exact location where the man was lost, with the idea that this would assist a good-faith effort to find and locate that man. What was lacking, I'm afraid, was the good-faith effort. That program didn't proceed through all 1,300 cases, but it was not for any lack of personnel or initiative on our part, but because of lack of response from the other side.

Mr. OTTINGER. But to your knowledge, there are no files just sitting around that haven't been reached yet?

Mr. SIEVERTS. Absolutely not.

Mr. GILMAN. Just one final question.

The CHAIRMAN. We will probably finish up here in about 5 minutes.

Mr. GILMAN. You mentioned, in response to an earlier question, that the resurrections were still being carried for changing them from a presumption of missing to killed in action. Is this being done even though the family is not requesting that the status be changed?

Mr. SIEVERTS. That would happen if there is new information, specific information, either coming in in some way or as a result of a reevaluation of the records.

However, as a matter of fact, I believe that almost all of the cases recently reviewed for status change have been with the concurrence or at the request of the primary next of kin.

Mr. GILMAN. Is there a possibility of withholding further declarations of a presumption of killed in action until this select committee has completed its work?

Mr. SIEVERTS. I think the Defense Department has said as much, with the exception, though, that they would not feel it appropriate to do that in those cases where the primary next of kin requested the status review.

Mr. GILMAN. With that exception, you would see no problem of withholding further action in that connection?

Mr. SIEVERTS. It's a question I really shouldn't answer.

The CHAIRMAN. It's a Defense Department matter. That is what Mr. Shields told me, and he will be our witness next week. You can ask him that question.

Mr. GILMAN. Thank you, Mr. Chairman.

The CHAIRMAN. He told me, if the family did not request that there be a review of the case, that they were waiting for action of this select committee before making any further changes in status.

One thing. I think the select committee is going to have to do—and I'll get it in the record now—there are some cases where the man was alive and he was a prisoner of war, and he didn't come out. I think we are going to have to work on these cases particularly and try to get information from the North Vietnamese on them.

In my opinion, I don't think the select committee can take 1,300 to 1,500 files over to North Vietnam or Paris and ask them to give us an answer. I do think we can narrow it down, and those people who were alive, and were seen and heard from, I think we have to really push on that. Mr. Gonzalez, do you have anything further?

Mr. GONZALEZ. Not at this time, no, Mr. Chairman.

Mr. OTTINGER. I guess what we'd like to end up with is permission for the Red Cross or somebody to go in and actually look at each one of the sites. It's unlikely, I suppose, that they'd let Americans, but some kind of an international body.

The CHAIRMAN. You said that in Laos you don't think you can find the sites? I thought we had them pretty well blocked in with our radar when they went down, that we knew pretty well where they went down, within a mile radius. I know that's a lot, but is it the feeling of people who have been involved in this that a lot of these sites cannot be located?

Mr. SIEVERTS. I think the way that it's put is that the information is perishable, that the sites are difficult to locate, even immediately, because of the terrain—assuming that we are talking about aircraft. And we have to remember that many of these cases are not pilots, but are ground personnel or helicopter personnel.

Where we are talking about the aircraft, especially high-speed aircraft, even where you could locate the site when it first goes in, after 2 or 3 years, it's often very difficult to find that site from the air, and it may be even more difficult, to find it from the ground.

In some cases, there is a photographic record of where the site was, which should make it much easier to locate it. We know in South Vietnam, where we had access to areas where we knew planes had gone down, in some cases we were unable to find those locations even though we had almost complete freedom to look.

There are even places within the United States where that has happened, and this is not just over water. Sometimes 20 years later a plane is found in the mountains.

My only comment about Laos was to say that the amount of rough terrain and forest territory there is even greater, so planes have been lost there that you would have a very hard time finding.

The CHAIRMAN. One other point. We have discussed with Mr. Sieverts the possibility of having the State Department detail one of their employees to the select committee to serve as liaison, Mr. Sieverts does have such a person in mind and I would ask him to give us some of the details.

Mr. SIEVERTS. He was consul general in Nha Trang, South Vietnam, during the last year and a half or 2 years before the fall of Vietnam. He is now back because the consulate is closed and he is a person who might be available to the select committee, if you were interested.

The CHAIRMAN. Does the select committee have any objection? It might be a good liaison, and when we didn't want him to participate, we would ask him—

Mr. OTTINGER. This is not for the head of our staff, but somebody to work with us?

The CHAIRMAN. No; strictly as a liaison. I think it has some merit to it.

Mr. WILSON. He would be on detail to the select committee from the State Department.

The CHAIRMAN. Any objections to proceeding?

Mr. GILMAN. Sounds good.

The CHAIRMAN. If we could get somebody like that, I think it would be good.

Mr. OTTINGER. I do think that you ought to interview him and make sure he's in tune with us. Subject to that, I have no objection.

The CHAIRMAN. As far as the staff is concerned, there is just not a job description for staff director. We are looking into this, and we are not having what you would call problems, but we have not come up with a staff director. We have interviewed over 12 people for the position. If you have any suggestions—

Mr. OTTINGER. We should have some more names for you this week.

The CHAIRMAN. It is pressing. If you get some man who might have a key job he's going to have to give 3 weeks notice, unless he's in Washington and can get this thing together.

We are doing all right. We have Jack Vance, André Clemandot, and Frances Burnett on my staff who have been very helpful, and they are doing a lot of work on this; we want to get the staff, and get it separated and get it out of our office and moved.

Mr. McCLOSKEY. Do you have space assigned?

The CHAIRMAN. Yes; we are OK. We even have plans drawn up, and if there is no objection, we will go ahead and start getting the equipment in the office. As I see this, we can just gather as much information as we can, and I think the more people we talk to, the thing will clear up a little more for us.

It looked bad for a while, but I think if we gather enough information, and come up with a good report, we will have done our job. Whether it's a hopeful or a sad report, I think if we get the right information and the information has merit to it and has credibility, I think we will have to spell it out.

Mr. GILMAN. Mr. Chairman, could I ask Mr. Sieverts—you are going to be sending us some information. Could you send each member of the select committee an analysis? You talked about some 30 grades, you talked about some missionaries, journalists. If you could give us that breakdown, by way of a summary, I think it would be helpful to each one of us, so we are not all talking about different numbers and figures.

Mr. SIEVERTS. I will try to do that.

The CHAIRMAN. I think our next meeting will be Monday or Tuesday, with Mr. Shields. Then we will move into the open hearings.

In the meantime, I hope members will continue coming up with ideas, because ideas and hard work by individual members is what's going to make this thing.

Mr. GUYER. We will keep the same time, Mr. Chairman? The afternoon?

The CHAIRMAN. Yes; there seems to be great attendance. We had all 10 here today.

Mr. OTTINGER. I don't know whether it's time yet or not, Mr. Chairman, but I am sitting here with this communication from the Friends Service Committee, and there's a number of options of what I can do with that. I could write back to the Premier of North Vietnam and tell him that the information we have would indicate that I have misconstrued his letter and they are willing to sit down and we'd be interested in meeting his representative and talking with him about that; or I could go back with that through the Friends Service Committee; or I can wait until we know a little bit more.

Do you or the members of the select committee have any idea? That is perhaps the most positive thing or indication we have had.

Mr. GUYER. I appreciate getting a copy of the letter, Mr. Ottinger, and I do think the select committee ought to respond to it, instead of individuals.

The CHAIRMAN. I believe we have sent you a copy. Did we send each member a copy?

Mr. GUYER. Yes, I got mine today.

The CHAIRMAN. Well, time is of the essence, Mr. Guyer, in dealing with the Vietnamese. They take so much time. They just operate differently from us. A human being's lifetime doesn't mean anything in their scope, as I see it.

Mr. McCLOSKEY. Or his wife.

The CHAIRMAN. I will just state my opinion—whatever the select committee wants to do. I personally don't have any objections for you to say that the select committee is interested in sitting down and talking. That's my personal feeling. Now, if I hear from somebody else who may want to do it differently. You are not going to be in any fast action, anyway, Mr. Guyer. We are talking about a month and a half followup. I hope I'm wrong, but I have dealt with them and—

Mr. McCLOSKEY. I have met with them, and Mr. Gilman and also Mr. Guyer have met with these people about as much as any Member of Congress, and I didn't think the answer to that letter was that harsh. I never have gotten anything out of them.

Mr. OTTINGER. That's what Mr. Harkin thought. The letter was much more favorable. He said he's seen some of this past correspondence.

The CHAIRMAN. They never really touched on the major problem of the MIA's in my talks with them. They always skirted the issue and dealt on their belief that the American leadership was cruel and the American people were good people, but being misled by their Government. We never got anything accomplished.

Mr. OTTINGER. I have had no experience at all. I never met a North or South Vietnamese.

The CHAIRMAN. Mr. Guyer, do you have any objection?

Mr. GUYER. My inclination was not to make any reply, but through the select committee if you are going to make an official stand, but—

The CHAIRMAN. I'd just say it's been brought up to the select committee and the select committee is interested. I think we have got to be. It's a good lead.

Mr. OTTINGER. All right. Let me try it.

The other thing we got was an indication, again from the Friends Service Committee people we have been dealing with, that it would be helpful, they thought, if we made some kind of a representation to the State Department which the State Department, I take it, probably is not going to be interested in, and I don't know if we want to do this as individuals or as a committee, to indicate a desire that the State Department abstain on the next vote in the Security Council.

The CHAIRMAN. I have already expressed myself.

Mr. OTTINGER. Would that signal a desire not to try and be hard-nosed? I was told that my reply was—

The CHAIRMAN. It is my impression some of the members would like to be involved. How firm a stand we should take on the United States abstaining in the U.N. is open to question. We are concerned

about it, and this is within our scope as a select committee, and if we could get those bodies back, we'd like to.

Mr. OTTINGER. As I told you, I am concerned about our taking a select committee position right off the bat, saying, "Gung ho, we ought to accede to the North Vietnamese." I think that would cause us some problems.

Mr. McCLOSKEY. Just one comment. I don't know what the position is that I would want to take on that question, but I don't think we ought to take any until Secretary Kissinger has had the opportunity to talk to us. That emphasizes the urgency of his meeting with us. I would just like to stress the urgency that we put on him coming down to meet with us, knowing in advance what he is going to say, and what he does not want to say to us, and what rules he wants us to pursue with whatever he does say.

The importance that the North Vietnamese put on the representations—for example, I suspect only he can give us the personal status in which we can then make that judgment.

I don't think any of us want to embarrass the administration in any way, but I think we want to know very completely what is in the administration's mind that you are asking us to forbear from and why.

Mr. GUYER. Very good.

Mr. GILMAN. Mr. Chairman, would it be out of order to extend a formal invitation to the North Vietnamese to meet with this select committee here? They have a delegation in the country.

The CHAIRMAN. The North Vietnamese were not here, but the South Vietnamese were here, as I mentioned, 3 weeks ago, and met with the World Bank, looking to borrow funds.

Mr. GILMAN. The delegation is in New York City.

Mr. OTTINGER. There is a delegation in New York—a delegation of North and South Vietnamese.

The CHAIRMAN. I have no objection at all to it.

Mr. SIEVERTS. I would have to comment that the Vietnamese delegations in New York are there as delegations to the United Nations, and not for relations with the United States. For example, when we approached Hanoi on the three bodies we did it in Paris. If you want to have contact, I think it would be more appropriate to do it at places where they have diplomatic missions, countries, rather than at the United Nations.

Mr. OTTINGER. I also was told by the U.N. people in New York that they come with very narrow mandates.

Mr. SIEVERTS. That's true, too.

Mr. OTTINGER. The people who are sent here to deal with the U.N. are not likely to have any authority at all to deal with any other subject. They would have to get back to North Vietnam.

Mr. GILMAN. That's probably all very true, but I'd like to see us at least explore the possibility.

The CHAIRMAN. We will explore it, then, and when we get the staff organized, we will give that as one of the assignments.

Mr. OTTINGER. I suppose the appropriate channel to do that through is through the U.N. people, isn't it, Mr. Sieverts?

Mr. GUYER. Is Mr. Burke of Florida our representative?

The CHAIRMAN. Mr. Fraser and Mr. Burke of Florida. That's a good point. A lot of this is going to have to be done informally, too, Mr. Gilman.

Mr. GILMAN. I have asked Mr. Burke, as you discussed, to raise the issue a bit, but I think he could pass on a formal invitation to them.

Mr. OTTINGER. We ran into trouble. I tried to call them and they don't speak anything but North Vietnamese. I told Mr. Fraser's State Department fellow there—what's his name? Bob Beecher? He said, well, I don't think the State Department would really want to do that. We'd have to get somebody else.

Mr. SIEVERTS. You mean an interpreter? As a matter of fact, they do have at least one very good English speaker in their office.

The CHAIRMAN. They just didn't want to talk with you. I think as individual members, Mr. Ottinger, I see no objections to feeling them out through Mr. Fraser or through phone calls. And I think what you said is going to be pretty true, though. These people are pretty well regimented, and they are not going to get out of their scope, and it would be very unusual if they would even talk about the issue.

I don't see any problem, as an individual, in exploring it, presenting it to them. It does give them something to go back to North Vietnam with to show that we are interested and that we do want to make contact with them.

Did they ever know who was calling? Did you ever get anything done?

Mr. OTTINGER. No; the Secretary in my office was calling, and she gave up, and we tried through Mr. Beecher.

The CHAIRMAN. Did they have a number in New York?

Mr. OTTINGER. We called the U.N. and asked for the North Vietnamese delegation, and I take it somebody picks up the phone and starts babbling in North Vietnamese, and at that point my young secretary dropped the phone.

The CHAIRMAN. Does she speak French?

Mr. OTTINGER. I don't think so.

The CHAIRMAN. I have no objection, personally, in pressing these people a little and letting them know.

Mr. McCLOSKEY. That raises a question. Do we need somebody on the staff who knows the Vietnamese language?

The CHAIRMAN. I tell you, if you have French, as you know, you can get by over there.

[Discussion off the record.]

[Whereupon, at 5:30 p.m., the hearing was concluded.]

HOUSE SELECT COMMITTEE ON MISSING PERSONS IN SOUTHEAST ASIA

TUESDAY, SEPTEMBER 30, 1975

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON MISSING
PERSONS IN SOUTHEAST ASIA,
Washington, D.C.

The select committee met at 2:05 p.m., the Honorable G. V. Montgomery, chairman of the select committee, presiding.

Present: Representatives Montgomery, Gonzalez, Moakley, Schroeder, Ottinger, Harkin, Lloyd, McCloskey, Gilman, and Guyer.

The CHAIRMAN. The meeting will come to order. Dr. Roger Shields is with us.¹

While we have a quorum, we need some rules to operate under. We sent some rules out to you yesterday. I don't know if you had time to study them or not, they are not earthshaking. They apply mainly to the rules of the House of Representatives.

We have the rules before you—we would like to have them adopted, or have discussion on the rules right now. It's nothing earthshaking in here. It's basically the 5-minute rule, which I think if we have to invoke it we will, if not, we won't.

We have to have a week's notice on calling an open hearing, but it leaves it to the discretion of the chairman—such as a meeting where we could get the Secretary of Defense and we needed it on 2 days' notice, and the chairman could go ahead and call the meeting.

There is nothing unusual in the rules, and I hope we could adopt them.

Mr. GUYER. There is a provision in there for executive session?

The CHAIRMAN. There is a provision for executive session. It's the same as the rules of the House, and there has to be a roll call vote, by a majority voting to go into executive session.

Mr. GUYER. I also notice that this select committee could take a trip any time, in or out of session, right?

The CHAIRMAN. That's correct.

Mr. OTTINGER. It says here that we can go to Southeast Asia.

The CHAIRMAN. Is that in the rules, or in the resolution?

Mr. OTTINGER. I don't know where it was, but I saw it, and it seemed to me that ought to be broadened out.

Mr. MOAKLEY. That kind of limits where we could go. We wouldn't be able to go to Paris.

¹ For biographical sketch of Dr. Roger Shields, see p. 124.

Mr. OTTINGER. In place of meeting in the United States or Southeast Asia, it seems to me it ought to be, "Within the United States, Southeast Asia, or elsewhere, as it may determine." Because we might have occasion to want to meet in Paris.

The CHAIRMAN. What page is that?

Mr. OTTINGER. First page, meeting procedures, rule 2.1.

Mr. CLEMANDOT. That is based on the wording of the resolution, which specified just Southeast Asia.

The CHAIRMAN. That's right. It's in the resolution. I think we can get by on that by designating a trip to Southeast Asia, and we can go by way of Paris. That is in the resolution, that's correct.

Mr. OTTINGER. It's in the actual resolution?

The CHAIRMAN. It's in the resolution. It probably should have been broader in the resolution, but I don't see any problem with it. I tried to think it through, and I think if you leave it up to me as the chairman, I think I can get us to places we need to go under the resolution.

Mr. OTTINGER. All right.

The CHAIRMAN. If you want to strike this out, I have no objection to taking it out of the rules.

Mr. MOAKLEY. You could put in you could travel within or without the country relative to this thing. It might be better than to just—if you designate—

The CHAIRMAN. I agree with you.

Mr. GUYER. I think that would be better. "Within or without the country, as the need requires."

The CHAIRMAN. You have heard the wording. Any objection to that? Is that satisfactory?

We will correct that. So ordered.

Any others?

Mr. MOAKLEY. Mr. Chairman, on rule 7.3, it states: "Until such time as the committee has submitted its final report to the House, classified or other sensitive information in the committee records * * *", et cetera.

It has been brought to my attention that this would be a violation of House rule 11, clause 2(e), which requires even classified material be available to all Members of the House.

Some House rules particularly have to do with the staff; the phrase "standing committee" is used. Therefore, the construction of this clause which uses only "committee" must be read to include "select committees."

So I think you just can't say that the information has to be restricted to the committees. I think all Members of the House should be able to get it.

The CHAIRMAN. How can we correct it?

Mr. MOAKLEY. Mr. Dooling, how can we correct that?

Mr. DOOLING. You can simply say, "* * * or as provided by House rule 11."

Mr. MOAKLEY. Rule 11, clause 2(e).

Mr. DOOLING. And provide the citation.

The CHAIRMAN. I think it's valid, as you pointed out. Is there any objection to making that change? Anything else?

Mr. MOAKLEY. Mr. Chairman, Mr. Dooling has come across a couple of things that may be he is more familiar with than I am. Mr. Dooling do you want to speak on the other change?

Mr. DOOLING. Well, the only thing I commented on was that 7.1 and 7.2, I assumed were copied from the CIA Committee and set a somewhat more rigid stand on secrecy than this select committee might want.

I think the chairman has to have the discretion to classify material that comes in. But there is a question whether the select committee wants to automatically consider everything in its files as classified, which is the effect of those two sections.

The CHAIRMAN. Of 7.1 and 7.2?

Mr. MOAKLEY. Right.

Mr. DOOLING. According to that, even a letter from the National League of Families would not be available as part of the public record.

The CHAIRMAN. What about 7.1? Does that do that, the first paragraph?

Mr. CLEMANDOT. That's what he's talking about.

Mr. DOOLING. Yes.

The CHAIRMAN. I agree. We took this from the CIA Select Committee.

Mr. DOOLING. Well, the thing is, with the CIA Committee, there's almost nothing they'd get that wouldn't be.

The CHAIRMAN. I agree. I don't want to classify anything unless absolutely necessary.

Mr. DOOLING. The House rule would give you the power to classify, because you may, in fact, get some information which should be kept out of the public record.

Mr. VANCE. Wouldn't you, in fact, have to recognize and order any classification that a document had that comes out of a governmental agency, or wouldn't you have to adhere to that system of classification?

Mr. DOOLING. Well, that's the whole controversy with the CIA now.

The CHAIRMAN. What do you say is wrong with this section, again?

Mr. DOOLING. All that has to be done is just to say, "At the discretion of the chairman, any material received or obtained shall be deemed to have been received in executive session."

Just the one phrase, "At the discretion of the chairman," so you can order something kept in secret files if the agency submitting it asks you to, and you think it's proper. That is left to your judgment.

The CHAIRMAN. One of the reasons we put this in, we thought if there were some classified papers, that we had to have some rules to operate under. We weren't looking for problems.

Mr. MOAKLEY. I think it makes everything classified, though.

Mrs. SCHROEDER. It says all material received.

Mr. OTTINGER. Why don't we change that to say, "* * * any material and testimony received and retained pursuant. * * *"

Mrs. SCHROEDER. Instead of "shall," say "may."

Mr. OTTINGER. "* * * May be deemed to have been received in executive session and given appropriate safekeeping, at the discretion of the chairman."

The CHAIRMAN. OK. On line 2 of 7.1, we change the end of the sentence, from "shall be" to "may be."

Mr. OTTINGER. Yes and the first word to "any."

The CHAIRMAN. And where else?

Mrs. SCHROEDER. Scratch "all," the first word, so the first word is "material."

Mr. OTTINGER. You can do it that way, yes " * * * may be deemed * * *"

The CHAIRMAN. And what about the second "shall"?

Mr. OTTINGER. Strike that. And put at the end—

Mr. MOAKLEY. " * * * may be deemed to have been received in * * *" and " * * * shall be * * *"—so the second "shall" is all right.

Mrs. SCHROEDER. It's just the first one.

Mr. OTTINGER. "At the discretion of the chairman." Do you want to put that at the end?

Mr. MOAKLEY. As long as "at the discretion of the chairman" is there.

Mr. OTTINGER. Put "at the discretion of the chairman" at the beginning or the end, depending on where you like it.

The CHAIRMAN. Let's put it at the beginning then. " * * * material and testimony * * *" and then strike the word shall and make it may. All right, that takes care of 7.1. What about 7.2?

Mr. DOOLING. That isn't really a problem.

The CHAIRMAN. OK. I thank you for your suggestion. Any other corrections to the rules?

Mrs. SCHROEDER. Is 7.3 the one where you had the problem? It looks like you are saying only our select committee can see it, and you can't do that.

Mr. OTTINGER. We put in the sentence at the end of 7.3 saying, "except as otherwise provided."

Mr. MOAKLEY. No; I thought we just adopted the House Rule 11, clause 2(e), in place of 7.3.

Mr. OTTINGER. I thought we added at the end, " * * * and except as provided in the House rules."

Mr. MOAKLEY. But this contradicts the House rules.

Mr. DOOLING. Well, you can modify it to put it in compliance by just adding the phrase in the middle of it, " * * * or as provided by House Rule 11, clause 2(e)2."

Mr. MOAKLEY. All right, if that will do it.

Mr. OTTINGER. Either way.

Mr. GILMAN. Where are you suggesting that?

Mr. MOAKLEY. Section 7.3, at the end, I guess.

Mr. DOOLING. It would stay closed to other than the select committee membership, select committee staff, or as provided by House rule such and such. And that would make it available—the only addition that makes is to Members of the House. It doesn't apply to their staffs.

The CHAIRMAN. If we find other problems in the rules, I assume we can come back and amend them.

Mr. MOAKLEY. There might be a couple of minor clerical things that we haven't spotted.

The CHAIRMAN. Any other comments or clarifications on the rules? Can we have a motion for adoption of the rules?

Mr. GILMAN. Mr. Chairman, I move we adopt the rules as amended.

The CHAIRMAN. I don't know whether we need a second or not on these.

Mr. OTTINGER. Well, I'll second it.

The CHAIRMAN. It is seconded by Mr. Ottinger.

You have heard the motion and the second. All in favor, indicate by saying aye.

[Ayes in favor.]

Opposed?

[No response.]

The CHAIRMAN. It is adopted unanimously. Thank you. We do have some rules now. As to the budget—

Mr. OTTINGER. You've got to do something with these rules, under the rules of the House. I forget what it is. You've got to publish them in the Record, or something.

The CHAIRMAN. OK. We will follow up on that, then.

We will take care of that. That's a good suggestion.

As to our funding, we have already filed the resolution itself. It is before the subcommittee of the House Administration Committee, headed by Frank Thompson.

We probably will go up before the committee the latter part of the week.

Let me tell you what we did. We have a budget recommendation before you. We have asked for \$350,000. We added \$50,000 to it because of the Ashbrook amendment; we ended up with more by the addition of missing civilians. It really is additional work.

We have a key part in there. We have \$50,000 for consultants' fees. I think this is going to be one of the keys to our select committee.

There are some people that we could not have on our staff, but they have great connections. I think if we could have them as consultants, give them funds to do certain things—and, of course, that would be up to the select committee—I think it would be one of the key things of making this select committee successful. In all this hunting of staff directors, we have come across some people that we could certainly consider as consultants, that could mean a lot to the select committee.

We anticipate \$160,000 in salaries. That's six people.

That's a staff director, two investigators, a researcher, a writer/researcher, a secretary, stenographer, and typist. Consultants, \$50,000. Traveling expenses, members, and staff, in the United States, \$22,000. Outside the United States, \$35,000. Witnesses' travel, \$15,000, for a total of \$72,000. Office and hearing operations, I won't go into. Communication equipment, supplies, recording of hearings, printing of hearings, and report, \$63,000. Miscellaneous, \$5,000—which totals up to \$350,000.

On Dr. Kissinger, the ranking minority member and myself, and several other members of the select committee, have been working, trying to get Dr. Kissinger to appear before the select committee. He is in New York right now. We think we've got to have him next week to get this thing rolling, and he should be our first witness.

Off the record.

[Discussion off the record.]

The CHAIRMAN. As to the staff director, quite frankly, we are working very, very hard on this, but we have had our stumbling blocks.

We had about five good applications yesterday. We have got about three good ones now. We have checked them out, a couple of them, and they just didn't turn out.

I believe that by the end of the week we will have somebody, and we will try to talk to all the members about the staff director, and see what you think about he or she, whoever we might come up with.

I think it's best to spend a little time and try to come up with the right person. If we get the wrong person in and we have to move him on after 2 months time, it would be bad for the select committee.

Time moves along. This next Friday will be 4 weeks; and we have 11 months left.

I wish you'd start doing this: On your recesses, if you could do this—maybe not for the first October recess that comes up, but for the Veterans Day recess, which is the latter part of October—if you keep part of that open—and also for Thanksgiving. I think the members are going to have to go to Paris, I think some of you are going to have to go to Laos. I think some of you are going to have to go to—some of you, with some of these consultants—might even be able to go to Hanoi. I am asking that you not get yourselves tied down. I think it's going to be important. I think this will give us another time to get the select committee off the ground, and if we think we are moving too fast on taking these trips, then we will slow down. But I think the members should start talking about keeping themselves free.

Mr. GILMAN. Excuse me, Mr. Chairman. I have to attend a rules meeting. I will be right back.

The CHAIRMAN. OK. We can get a State Department liaison man, Monty Spears. I want to move slowly, I want to talk further with the select committee about that.

That's about it. We all want to speak up when we hear from Dr. Shields today, as far as the members are concerned, so that our reporter can accurately hear what the members are asking Dr. Roger Shields.

Dr. Roger Shields is from the Defense Department. He is, in effect, director of the MIA's and prisoners of war. He handled completely the bringing back of the prisoners of war. He went to the Philippines, and he's been involved in this from the outset, and we have been very impressed with Dr. Shields. Most of you know him. I will ask him for some comments, and then we will be ready for questions. Would you introduce the other two people with you today, Dr. Shields?

STATEMENT OF DR. ROGER SHIELDS, DEPUTY ASSISTANT SECRETARY OF DEFENSE

Dr. SHIELDS. Yes, I will, Mr. Chairman. I'd like to introduce Capt. Ray Vohden, who is the director of our Prisoner of War and Missing in Action Task Force. Captain Vohden comes to this job with a lot of experience, not just from his Navy background, but also from some 8 years in North Vietnam as a prisoner of the North Vietnamese. So he is a returnee and member of our task force.

Maj. Edward Maney of the Air Force is also a member of the task force. Major Maney was one of the individuals in the Military Airlift Command who directed the military airlift that brought our men back during Operation Homecoming, so he also has an extensive background in this area.

Let me say, first of all, that I am very pleased to be here with you today, and that we in the Defense Department are pleased to have this opportunity to answer some questions—any questions you might have—about our role, the role of the Defense Department and military services in this whole prisoner and missing area.

We do pledge our full cooperation to you. We think that this scrutiny of this whole issue is going to be a very good thing. It's been a very difficult job. You are aware of how difficult it has been, and I know, as you become involved more fully in this in the course of your select committee work, you are going to see just how difficult it has been for us.

Any kind of advice, or any kind of program of action that can be suggested that will help break loose this question of an accounting for those people who did not return during Operation Homecoming, and are still unaccounted for today, or to bring back the remains of those who died in Southeast Asia but whose remains were never recovered, will certainly be beneficial to all of us.

On behalf of Secretary Schlesinger and the Defense Department, we pledge our full and open cooperation with you in this work.

Now I would just like to say a couple of things, Mr. Chairman, if it's all right with you, and then perhaps get on to any questions that might be posed.

This problem, of course, is exceedingly difficult. First, because of the numbers of men involved.

During Operation Homecoming, we received back almost 600 individuals who had been held as prisoners of war. At the same time, we had about 1,350 people who had been carried as either prisoners of war or missing in action who did not return.

In addition to that, we had about 1,200 individuals who had been declared dead, killed in action, but whose remains were never recovered. In the case of some of these individuals, they were declared dead on the battlefield by competent medical authorities, but because of hostilities, we were never able to recover the remains.

In the cases of some others, the circumstances surrounding the loss on the battlefield or in the air indicated that the individual did not survive, and so he was declared killed in action.

We are concerned about those individuals as well, those whose remains were never recovered even though they had been declared dead. So we are talking about some 2,500 individuals.

Since the cease-fire was signed in January of 1973, we have recovered the remains of a number of men. We have received further information, which we consider to be hard information, about some others.

As a result, a number of status changes from either prisoner of war, or missing in action, to killed in action, have been made.

We have, at this time, approximately 860—almost 900—individuals whom we still carry as prisoner of war or missing in action.

At the present time the distinction between "prisoner of war" and "missing in action" is probably an academic one. Initially, when a man became missing, we depended on the best information we had as to whether he should be classified as missing in action or prisoner of war. We never received any official communications—what we consider to be official, hard communications from the Communists in Southeast Asia—

We have to run up and vote. Why don't we come right back down. It's a recorded vote. I'm sorry.

Mr. GUYER. May I ask, first, are those 860 all carried on the payroll?
Dr. SHIELDS. Yes, they are.

[Short recess.]

The CHAIRMAN. Go ahead, Dr. Shields.

Dr. SHIELDS. Although we received fragmentary bits and pieces of information from North Vietnam and its allies during the course of the conflict, prior to the signing of the cease-fire, we never had any official hard statements until we received what we were told was a comprehensive list when the cease-fire agreement was signed in Paris.

Now, because of that, we had no better information than what we were able to derive ourselves as to whether a man had, in fact, been captured or was missing in action.

When the lists were passed to us, we had some surprises. One young Marine had been previously listed as killed in action. He had, in fact, been captured and we were surprised to find that.

The man who turned out to have been held the longest, an Army officer, had been captured initially in 1964, but we had heard nothing more since that time from him—no letters to his family, no letters he had received, and so forth. We were surprised, in a way, to know that he had survived, and he came home.

We had some other surprises. Some people we thought had been captured did not show up on that list and were not repatriated.

But we did bring home the almost 600 individuals. We left some that we knew had been captured at one time, to include a couple of individuals or so in Laos who we knew had been captured. In another case a young Army soldier had written a letter that had been recovered from the body of a dead enemy soldier, it was identified as his handwriting, and yet this man was never repatriated. So there were a number of men that we knew had been captured who were not repatriated.

In addition to those listed as having been captured, we had a list given to us of men who had died in captivity, and we found some men that we had anticipated returning had, in fact, died in captivity, and that was the sum total of our information.

When these men were lost, they were lost under all conceivable circumstances. Some of them were lost on the battlefield, fighting as ground troops, and disappeared. For others we had fairly good information, but it was not complete.

With regard to men who were lost in the air, in some cases they took off and the last communication from them was a report of turning out of the traffic pattern from the airbase, and nothing more was heard. So we run the spectrum of possible circumstances of loss.

For some individuals who did not return and are now unaccounted for, we have fairly good information. Others, we know nothing of at all.

Now, as you know, the ceasefire agreement did provide in article 8(b) of the ceasefire document, for an accounting for all those who did not return, and for full cooperation in achieving the exhumation and return of the remains of those who died.

To implement article 8(b), the Four-Party Joint Military Team was established as called for by the ceasefire agreement, and we furnished military members to that Four-Party Joint Military Team.

They were headquartered in Saigon, and they did continue these talks, although the talks were ultimately boycotted for the last more than a year, as a matter of fact, until the fall of South Vietnam, by the Communist side.

Nevertheless, we did have negotiators there whose job it was to work out the implementation of article 8(b) of the ceasefire agreement. The only cooperation we ever received from the Communist side was in the return of 23 men who had died—said to have died—in captivity in North Vietnam. We felt that, since these men were listed as having died in captivity, that it would be a simple matter to go up to locate the graves and exhume and identify the remains.

In May of 1973, just a few months after the cease-fire was signed and "Operation Homecoming" brought our men home, we, in fact, did have men who were allowed to go to North Vietnam, where they were shown the graves of these men, and for a time it looked as if we were going to receive cooperation in the implementation of article 8(b). Then, all of a sudden, we were told that that work could not proceed.

About 1 year later, in November of 1974, we did make arrangements to go to North Vietnam, where we received the remains of the 23 individuals said to have died in captivity.

We left, incidentally, the remains of one man, buried right alongside these men, but a man whom the North Vietnamese identified as a B-52 crewmember who died in the wreckage of his airplane. He did not die in captivity. Therefore, he was not to be exhumed and repatriated with the other 23, even though he was buried with them. His grave is still in North Vietnam. As far as we know, it is at the site we were shown initially. In any case, the remains of the 23 were exhumed. We did identify them satisfactorily, and services have since been held for those men and burial has taken place.

Now, to implement the accounting procedures, which we felt was going to be very difficult, we know that many of our men—most, in fact—were lost in aircraft accidents, incidents, shoot downs, and so forth. We know that in the case of high-speed aircraft carrying ordnance and other explosive munitions, that oftentimes it's very difficult even to find enough of an airplane to identify.

So we established the Joint Casualty Resolutions Center in Thailand. It was originally set up in Nakhon Phanom, which is central to North Vietnam, to Laos, to South Vietnam, and to Cambodia, for the purpose of fielding teams to go to the last known locations of the men, the grave sites, or to the sites of crashed aircraft, to perform the actual field operations of recovering remains, identifying wreckage of aircraft so we can identify the crewmembers of that particular aircraft, in order to see if we can ascertain what happened to these crewmembers.

In line with that task, the Joint Casualty Resolution Center had men who were experienced in explosive ordnance demolition work to go into an area, make sure there were no mines, or booby traps, or unexploded ordnance was not there which could explode and harm our other crews. We then had people who were expert in crash site inspection techniques and in the recovery of remains do the actual graves registration work.

In addition, we had established a central identification laboratory where experts were located who could take a set of partial remains,

and running through their checks of dental records and other comparisons, identify the remains that were recovered.

We had a few of these teams go into the field in South Vietnam. The Four Party Military Team delegates from the United States and the South Vietnamese delegates notified the other parties, the North Vietnamese and the Vietcong, that we were going to go into a certain area—these were all areas under South Vietnamese control—to look at a particular crash site or suspected grave site.

These teams went into the field a few times. Then just before Christmas, 1973, one of our teams was ambushed, and one of our officers was killed. All these teams were unarmed and they wore orange armbands clearly marked with a Four Party Military Team device.

This team was ambushed on the third day of the visit at a particular site. The press had been there the day before. Because one of our men was killed, we decided not to send any more teams into the field unless we were absolutely sure we had good security. Since most of our people were lost in hostile areas not under the control of friendly forces, we, in effect, were not able to send these teams into the field again.

So the work of the Joint Casualty Resolution Center became more oriented toward recordkeeping, trying to sort out the intelligence information which we received to see if we could piece together what happened to our men.

The Joint Casualty Resolution Center is still headquartered in Thailand. It is now at Camp Samae San in southern Thailand, and they, at this time, are carrying on the task of refining the work, of refining records, and of correlating any reports which we receive concerning our men. The Joint Casualty Resolution Center is still in existence.

The Four Party Military Team was evacuated during the evacuation of Saigon. In fact, our people were some of the last Americans to leave. So we did have those people in Saigon endeavoring to bring about this implementation of article 8(b) until South Vietnam fell.

Now, one other thing I should mention. After the signing of the cease-fire agreement, we continued to receive reports of live Americans being held prisoner in Southeast Asia. We know without any question that there are Americans now who are held in South Vietnam as a result of the collapse of South Vietnam, some Americans who were captured at Ban Me Thuot—not military—some Government civilians, and also some private citizens who were captured.

With regard to the other reports we have received, we have never been able to correlate them positively with Americans, with military who would still be held captive in Southeast Asia. We have endeavored, even through the use of such things as polygraph tests for informers who would come over and tell us these things, to find out if we could pinpoint these reports which we had received so that we could refine them and say, yes, that's valid, we are sure some Americans are there. We have never been able to do that.

We have had reports and they have been persistent reports.

We do know, in the case of a civilian who was captured in Laos well over a year ago, that this individual was there as a tourist. The Pathet Lao have denied any knowledge of his capture, but he was there. Whether he is now alive is open to question. We have not received any information for some time.

Nevertheless, we did receive reports. We would try and track these reports down as best we could. In some cases, we were able to prove without any question that the reports were not valid. In some cases the reports corresponded to our men, who had been captured prior to the signing of the cease-fire and who were released during Operation Homecoming.

We are still trying to evaluate the reports. The information we received has dried up substantially since the fall of South Vietnam, but we do know that at one time there were Americans who were alive, who had been captured, without any question, who had been held prisoner, who were not returned and who were never reported as having died in captivity.

Now, in all of these cases, the last known whereabouts of these men, or the last information we received, goes back to the early days of the war, to 1964, 1965, nothing having been heard in the interim.

Whether those individuals are alive today is a matter of conjecture, but, in fact, we do know that at one time they were. We do know that North Vietnam and its allies possess, I would say, a large volume of information about some of our men. In some cases we monitored radio broadcasts in which they mentioned them by name, saying these men died in the shoot down of their aircraft, or these men were buried, or these men perished, or something like that—mentioning individuals by name.

In other cases, they talked about incidents, although not mentioning the individuals by name, but with everything pointing to a specific incident, and we are confident that they do have information which they could pass on to us.

They do have remains of Americans. We have seen photographs of bodies of several Americans and some grave sites—as I mentioned, the one B-52 crew member who was buried with the remains of the men whose remains were returned.

So information is there. We know, on the other side of the coin, that there are probably a substantial number of men who were lost, about whom North Vietnam and its allies have very little information, men who were lost in isolated areas, analogous to airplane crashes in this country in which the wreckage and remains are not located for many years.

So we know in some cases it's going to be difficult. Even with the fullest cooperation from the PRG, the DRV, and the Pathet Lao, and so forth, it will be extremely difficult, and would involve fieldwork to track down the whereabouts or the fate of some of our men.

It's very difficult work. It requires trained people. If you recover remains and you are untrained and you miss the parts that are the key parts, that enable us to establish age or identification, then oftentimes that precludes the possibility of going back and doing further work. So it's got to be done well. It's got to be done with care and it's also very dangerous, when we have unexploded ordnance, for someone who is untrained to go into the crash site of an aircraft and to rummage through the wreckage. It's extremely dangerous.

It does require trained individuals. We do have that capability. We would prefer to go to the areas where our people were lost and to put our teams on the ground, accompanied by anyone—members of the International Red Cross, certainly the local authorities, and the officials

in the governments of the countries where our men are lost, and anyone else who would care to go there to make sure we are not engaging in any kind of intelligence activity—to do this work.

It's a humanitarian work. We stand prepared to do it. With that, let me turn this over to you.

The CHAIRMAN. Thank you, Dr. Shields. I only have three brief questions.

I talked to you informally, and you were quite enthusiastic about the select committee. You thought that we could do some good and that you did need some help. I assume you still feel that way?

Dr. SHIELDS. I certainly do. I personally welcome this. The position of the Department of Defense was that we welcome this inquiry also. We feel that certain things need to be established for the record. We are proud of our efforts, the things that we tried to do, and we feel that the record is one which should be made public.

The CHAIRMAN. You didn't mention deserters, but you told me that there are, we think, three or four American deserters in South Vietnam or Cambodia.

Dr. SHIELDS. Well, we know one man who deserted. That he was alive in South Vietnam, and then subsequently in Cambodia some months ago, prior to the fall of South Vietnam. He was seen. We do have good information on him.

Our last reports before the fall of South Vietnam indicate he was there.

There have been reports of other deserters as well, whose identities we haven't been able to establish. The number, of course, is anyone's guess.

The CHAIRMAN. We know we've got a tough job. We know there are three that we thought we were going to get back from Hanoi, and you were handling that; and the two in Saigon. Could you briefly comment on that?

Dr. SHIELDS. Yes. We did receive information that the North Vietnamese were ready to repatriate the remains of three men. We had fairly good information on these men. I believe two had been declared killed in action and one was still carried as missing.

We were prepared to do anything the North Vietnamese requested to bring about the return of those remains. They had indicated to Senator Kennedy that they were prepared to furnish that information and to get on with this. This was just before the vote in the United Nations in which we vetoed South Vietnam's and North Vietnam's applications for membership.

Their response to us was: "We are still prepared to do this, but we don't think that the time is propitious because of the things you have done and your attitude; our people wouldn't understand this," and so on.

This is another indication of the information which they have which they could give us, and we are confident that they could give us a substantial amount.

In addition to that, two young marines were killed in the final days of our stay in Saigon. They were outside the defense attaché office's compound in Saigon and an artillery or rocket round hit their position. Two of the three marine guards were killed.

We know that the remains of the two marines were taken to the Adventist Hospital, which is close by—formerly the 3d Field Hospital—and we have been trying to bring about the return of the remains of those two individuals, but we have not succeeded in that as yet. We were told that they were buried, perhaps by an American who remained in Saigon. We are trying to track that down.

We have no official contact there, of course, and we are forced to work through third parties, and it has not been effective.

I should also mention that, as a result of the military action on Kotang Island, three more marines entered a missing status. These marines were part of the military forces that were put ashore on Kotang and when the troops were all back and an accounting had been made, it was found out that these three had last been seen going toward a helicopter. They had been moved in from the perimeter but never got on the helicopter. So those are our most recent three missing in action.

The CHAIRMAN. Mr. Gonzalez?

Mr. GONZALEZ. So in terms of numbers, what or how many would you feel there is reason to believe are alive?

Dr. SHIELDS. That's the most difficult question of all to answer. My own feeling—and anyone working in this area simply forms his or her own judgment—frankly, is one of question.

There were men alive at one time. Whether these men are still alive or not is an open question.

There are men who should have been captured, who were alive, having successfully ejected from an aircraft, who were seen alive on the ground, who talked to the men in the air and said, "Here comes the enemy, and I'll see you when the war is over," and of whom we have heard nothing more.

When you look at the other side of the question, North Vietnam, the P.R.G. and the Pathet Lao have steadfastly denied there are any living Americans held prisoner now. They make very fine distinctions as regards a man who died in captivity and a man who was dead when he was found. If you died in captivity, your name came out on a list. If you didn't, your name is not on a list; and if you were buried alongside 23 other men in North Vietnam, your remains were not repatriated.

I really don't know. I think that the only way to find out is to put our people and the experts in teams who would be able to go to an area and talk to the people on the ground. That's probably the most fruitful source of information, talking to the people who live in the area, the indigenous residents who know something about what happened in a particular time, at a particular place.

As for how many men are still alive, it's certainly possible that some men are, but throughout this whole thing we have not been able to put our hands on a missing man who is alive and say he is alive.

I'll give you a quick example of this. A helicopter pilot was shot down with his crew in Cambodia. Some members of the crew were taken prisoner, were repatriated, and told us about the other members of the crew. The one man was alive, but had a badly infected leg. He was taken out of prison camp in very bad condition. We were told he was taken to a hospital. His name was given to us by the P.R.G., and he was identified as having died in captivity. The Americans who were there with him felt that was probably correct, that he did not survive.

We received information from an enemy prisoner or defector—I can't recall which—who told us of an American who had been taken into a camp at such and such a time, at such and such a location, and had died of his wounds. It all pointed to that man.

On the other hand, we were told, from a source who had access, without any question, that Prince Sihanouk, in China had been sent a telegram from Communists in Cambodia, and in this telegram the Cambodian officials identified two men by name as having been captured and were being held at that time. Warrant Officer Varnado's name was on the list. He was the man that the others thought died in captivity.

Now, all of our information indicates that Warrant Officer Varnado died, that he, in fact, did not survive. We feel that telegram was either incorrect or was misinterpreted by the individual who saw it, but he did see a telegram. The names were good. In fact, it's the best example of intelligence we have ever had in which people were mentioned by name as having been captured. So I don't know if any missing are still alive. I can only say that we have to find that out through investigation.

Mr. GONZALEZ. What lines of communication are yet available to you—official and unofficial?

Dr. SHIELDS. Well, we can communicate through third parties. Paris, for example, where the North Vietnamese and the P.R.G. have representatives, is a good place for us as far as communications are concerned.

Third countries can make inquiries on our behalf. The United Nations, for example, has some people in Saigon who have been working on the problems there, and we can communicate in a very low, and probably ineffective and inefficient way, through that channel.

Paris is probably the best place for contact we have, the best channel.

Mr. GONZALEZ. Is there any direct contact, say, into Laos yet, or is that also shut off?

Dr. SHIELDS. No; I am remiss in not having mentioned Laos. We are still in Vientiane. We have an Embassy there. We have officials who are charged specifically with this task of accounting for the missing from our side.

We do have contacts there but the Pathet Lao, in effect, run that government now. They have not been cooperative in any way at all; so, although we have contacts, they really haven't availed us very much.

Mr. GONZALEZ. Well, how reliable—how helpful are those contacts in Paris?

Dr. SHIELDS. I think that they potentially are very helpful. If we begin a dialog and we can continue the dialog, it will probably begin in Paris and Paris will probably remain a major point of contact.

As of yet, it hasn't been especially helpful, because we have really been able to do nothing. That really is the record that we had in Saigon, where we were negotiating across the table, face-to-face, in the Four Party Military Team forum.

Mr. GONZALEZ. What is the reason for the breakdown in the negotiations, based on article 8 (b), that you referred to?

Dr. SHIELDS. The breakdown, of course, came early and at one point we were told that: One, we were not implementing the cease fire because of our continued support of South Vietnam, that Thieu was still President, and as long as he was there he posed an obstacle;

Two, that we did not allow for the free transit of Communist authorities throughout South Vietnam. They also wanted to erect monuments and memorials, and that was blocked. Until these things were done, and these other conditions had been met, they couldn't go forward in this area.

One point that the Communists have always made to us—and, if you will, go back to the negotiating history in Paris and anywhere else—they would always give us a list of terms which they required and prominent in that list, was the question of economic reparations.

That, of course, was key, but it was a whole series of things, and these things would change.

When South Vietnam fell, the question of Thieu became moot; the question of access to that territory, the same.

The question, then, became one of diplomatic recognition and economic reparations.

Mr. GONZALEZ. Is the other side raising any issues about the presence of the Vietnamese refugees in our country, particularly those who say they want to go back to Vietnam?

Dr. SHIELDS. That is a very interesting question because that is another hat that I wear right now in the Defense Department. I am the Defense representative on the Inter-Agency Task Force on Refugees.

We have about 1,500 on Guam who did want to go home. We are doing everything we can to get them back to South Vietnam. They have been told they are not welcome, that Radio Hanoi, for example, has said that they are not welcome back in South Vietnam. We even endeavored to make official arrangements through the U.N. and other ways to get them back. That hasn't really seemed to be an issue though, on the accounting side.

Mr. GUYER. It's not my turn, Mr. Chairman, but on that point, Mr. Gilman and I were on Guam and talked to some of those who did want to go back, and I think just today there is on the bulletin board an announcement that there is a boat ready to take 1,600 back. It will take a couple of weeks to get there, and they have already made plans.

Dr. SHIELDS. This is our last alternative. We are hopeful that the United Nations High Commissioner for Refugees, who is coming back from Hanoi today, will have worked something out. That is the last alternative, really, and it's not a good alternative, but these people are determined to go, and it's been a very hot and sensitive situation on Guam.

The CHAIRMAN. Mr. McCloskey?

Mr. MCCLOSKEY. Dr. Shields, I want to ask a very pointed question. Back in 1973, in January I think, this Congress probably would have voted a reasonable sum of money to get our POW's back. I think we all felt whatever our views were on the war, that getting the POW's back was of crucial importance.

Now we have got a given number of live bodies, we have got bodies of two marines that we know of, plus a number of remains, plus the opportunity to identify and finally determine the remains of a number

of air crashes that we haven't been able to inspect, but probably would if we could negotiate.

Is there any way we have of discussing what amount of money we might pay, and what might be acceptable, to the North Vietnamese to open up this line of communications?

I get the impression that if any reparations are paid, that we are unwilling to discuss them. We don't want to intrude on Dr. Kissinger's position, but we don't think that he's very sensitive about the matter of getting these remains back, or the identification.

How do we discuss amounts of reparation? How is it negotiated? How would we try to force an opening up of communications, as one House of Congress?

Dr. SHIELDS. I believe, in the course of your work as a select committee in this area, that you will probably try and develop some communications with the Communist officials who would be in a position to answer that question. As to what they want specifically, I don't think they have ever told us. I don't think they have talked about amounts. I am not sure that they even know themselves. I think that is something they would probably want to work out.

I get a feeling that they would like to see what amounts of aid are going to be forthcoming from their own allies—the Soviets and Chinese, and so forth—and in a sense, see what the traffic will bear.

Mr. McCLOSKEY. The difficulty with this question is that, is there anyone who can comment on this other than Dr. Kissinger? Isn't any other comment sort of subordinate to what Dr. Kissinger's past experience with them has been, what his discussions with them have been?

Dr. SHIELDS. He certainly is in a position to speak more authoritatively from the standpoint of the history of the Paris peace talks. I am sure, of course, that was mentioned at that time. I would only say this, that when we are talking about an accounting that would be acceptable, we've got to consider the families of these men. We've got to consider men who should have been repatriated as prisoners of war, from all that we know.

Obviously, men could have been killed after having been captured as a result of an escape attempt or even as a result of bombardment by our own forces. We understand that. I think that we have made the North Vietnamese, the Vietcong, the Pathet Lao, et cetera, understand that we don't expect in all cases to say, "Here's a man who should have been alive; you'd better bring him back."

We are prepared to understand what happened to that individual, and if a man did get shot trying to escape, I think we will understand that. That is regrettable, but we will understand it.

But the record now is so convoluted, and so distorted, and so full of deceit. I point out the Pathet Lao record of this man who smuggled out a photograph of himself in Laos a year or so ago; incontrovertible evidence that he is there. Yet the Pathet Lao records say very clearly and officially, "we have never heard of this man; we have never seen him."

I think that the only kind of accounting that will be satisfactory to families, in the event that we still have men left unaccounted for—after North Vietnam and its allies have done everything that they

say that they can do—would be for us to place our own people on the ground in those countries to do that work ourselves.

I'm not sure that there is any amount of money that we could pay North Vietnam that would allow us to do that.

Mr. McCLOSKEY. I have no further questions.

The CHAIRMAN. Mr. Gilman?

Mr. GILMAN. Thank you, Mr. Chairman. Dr. Shields, would you tell us what the status is now of the JCRC?

Dr. SHIELDS. I'd be happy to. It's in Samae San, it has moved down from Nakom Phanom Airbase, which has been closed. It is operating now. We have no plans to close it or to send it elsewhere.

We recognize that we are moving out of Thailand, and if it should be that the Thai Government would refuse permission to allow the JCRC to remain there, that we would have to relocate, but its work is vital, though difficult.

They are doing a great job. It really is the core organization for implementing any kind of an accounting. So it is operating, and we anticipate that it will be until we clearly see there is nothing more we can do.

Mr. GILMAN. Are all the records the Department has in the hands of the JCRC?

Dr. SHIELDS. No; these men who are still missing, or prisoners, are carried on the rolls in many respects as if present and accounted for. Payroll records, records of family support, and these kinds of things are not at the JCRC.

The records they are concerned with are those which would enable a team to go into the field and locate the last known location of that man, or any indications that he had been there—records like serial numbers from sidearms he carried, serial numbers of aircraft, information plates that you could pry off an engine of a crashed airplane—this kind of thing.

Mr. GILMAN. Have all the records that the Department has received with regard to information that would lead to finding a missing person been reviewed by the Department and filed and categorized?

Dr. SHIELDS. I will say yes, hopefully. When I say yes, and hopefully, let me qualify that by saying we are talking about volumes, with regard to any man.

In some cases we are talking about reports that may relate to 150 or 200 different men. They are very vague and general. They talk about a certain time period, a certain general location, and a certain general description. We may file that one report with 200 different individuals in the hopes that ultimately something more will come out which will allow us to say, "Hey, this report is talking about this man," at which time we would remove that file from the other records. We are in the process of refining those records. I am sure that there are pieces of information somewhere which probably have not been put in the proper niches. But I think, when we talk about that, we should recognize that we are talking about millions—literally millions—of documents.

Mr. OTTINGER. Would the gentleman yield?

Mr. GILMAN. Yes. I'd be pleased to yield.

Mr. OTTINGER. I got a report, and there's apparently some misunderstanding on behalf of the League of Families of the Missing in

Action. One of their officers came to my place and said there were literally boxes of material that had not yet been gone through or filed. Is there any basis for that at all?

Dr. SHIELDS. No; there isn't. I think that sometimes we have a great many misconceptions on the part of the families, as well, as to what kinds of records we have and where these records are. I don't believe that we have any records that we have not thoroughly examined—in most cases, three or four or five times and even more. There's a continual review of these records.

Mr. OTTINGER. There is no mass of unexamined material?

Dr. SHIELDS. No. We have a lot of general reports which were examined at one time, classified, and examined, and so forth, and were put back into a general category. It's some of these general reports that I was referring to, that were not put in the files of any individual. I think that the work of the select committee will show, hopefully, that the military services, and the DOD in general, and the State Department, have been very vigorous in pursuing any kind of leads, anywhere. We have gone so far as to go back and question sources of information three, four and five times, polygraphed them, and other kinds of checks. But no, we don't have such files.

The CHAIRMAN. Why don't we do this. If you can come back, I would appreciate it. If you can't come back, I will understand. While we have Dr. Shields here, if you have any more questions, you should come back, after this vote. I will be here. If you want to ask him questions—I think we ought to do it and get it on the record as much as we can—but I will understand if you can't.

[Short recess.]

The CHAIRMAN. The select committee will come to order. We are probably going to have another vote, but we can start again with questions. Mr. Ottinger? Why don't you go ahead.

Mr. OTTINGER. Does the Department of Defense have any position with respect to entering negotiations with the North Vietnamese, or Laotians, or Cambodians, to try and move the issue of the missing in action off dead center?

Dr. SHIELDS. We have maintain our negotiating capability. When the U.S. delegation to the Four Party Team left Saigon, of course, that was the end of that aspect of the negotiations.

We do have that capability of going back to negotiations, but I think if you are going to talk about the military entering into discussions, it ought to be along the lines of article 8(b). This is the agreement which we had. As far as we are concerned, that aspect of the agreement still remains in force. That is still an unsettled question and it did provide all we needed to have a satisfactory accounting.

Mr. OTTINGER. Article 8(b) provided for the accounting. The North Vietnamese say, "Well, that's just one article of the whole agreement, and there are other things that are provided for in that settlement which the United States hasn't done."

The question is, I don't know the degree to which the Department of Defense makes the determination. It has to be. I assume, a joint resolution between the Defense Department and the State Department, but, so far as you can speak for the Department of Defense, are you willing to enter those negotiations?

Dr. SHIELDS. We do stand ready to negotiate. From the standpoint of negotiations, the Defense Department obviously would not be the negotiator as far as questions of recognition and any other kinds of things which the North Vietnamese might want to negotiate. I think our negotiating interest would be concerning the implementation of the field search. We are the ones who have expertise in that area. We would negotiate the responsibilities with the North Vietnamese to do this kind of work, and we do stand prepared to do that.

Regardless of the parts of the agreement that remain unfulfilled now, clearly the concerns about President Thieu and support of South Vietnam are no longer issues. As I see it, article 8(b) really is the one big issue which for us remains unresolved.

Mr. OTTINGER. Can we go off the record?

The CHAIRMAN. Yes.

[Discussion off the record.]

Mr. OTTINGER. We can go on the record for this. I wonder if the select committee couldn't have the documents that were signed. I haven't had a chance to read the—article 8(b).

The CHAIRMAN. We will certainly try to get them. I see no objection.

Dr. SHIELDS. We do have a copy of the cease fire agreement, and we will provide that in its entirety to you, if you would like.

Mr. OTTINGER. I think that would be very important for us. There is some feeling that's been expressed by some members of the select committee that there were ancillary documents in addition to that treaty, or understandings reached. Do you have any information about any other agreements that were reached attendant upon the signing of that?

Dr. SHIELDS. I have no information on that whatsoever. I do know this, that focusing on Article 8(b), which provided its own implementation in the form of a Four Party Military Team, that was specifically to address itself to that article 8(b), that this article is sufficient as far as the Defense Department is concerned, if it were implemented, to bring about the satisfactory accounting that we need. If it were done, that's all we would need.

The CHAIRMAN. Will the gentleman yield there?

Mr. OTTINGER. I'd be glad to.

The CHAIRMAN. It's a completely new ball game over there and I think you are just going to have to take other approaches.

The select committee can't make policy. I think if we concentrated our efforts toward 8(b), that we would be slowed down a lot. I think we are going to have to take other approaches, Dr. Shields.

Dr. SHIELDS. I understand that, Mr. Chairman, but I would like to point out that this is the most comprehensive provision ever made in any cease-fire document, as far as an accounting of the missing is concerned. You can search in vain as you go back through historical records and I doubt you'd find anything as comprehensive or as specific as article 8(b).

Had article 8(b) been implemented, we would have had our accounting. It may very well be that that whole issue is moot now, but we do at least know that the North Vietnamese at one time agreed to cooperate as far as an accounting is concerned.

Mr. OTTINGER. You don't think that because it obviously hasn't been successful that we can just get an audience with the North Vietnamese

and say, "Look here, you agreed to A, B, C, D, and E, the most beautiful, comprehensive agreement ever made to return the prisoners, and you have agreed to this, and now we expect you to live up to that," and they are going to say, yes? That's the problem.

Dr. SHIELDS. I think that you should know, as you go through your work in the select committee, that North Vietnam has never indicated that article 8(b) was not in force; that they have never, in any way, at any time, ever attempted to renege on that agreement.

They have said that "We stand ready to implement article 8(b) if other things are done."

I think that if their attitude were such that they would continue to say this, then article 8(b) may very well be the vehicle for an accounting. You may want to look at their reasons for not implementing article 8(b).

As I understand, most of those reasons are gone. President Thieu is no longer in South Vietnam. The Communists control South Vietnam fully. We are no longer supplying military support to anyone. They can erect monuments, and memorials, and anything else they want, to their hearts' content.

So their reasons for not implementing article 8(b) are largely gone, and I think that they have always indicated to us that that article 8(b) was the basis for acting on this issue.

But beyond that, I would say this also, for the record, that it's important to us in the Defense Department that this select committee go forward, not only to achieve an accounting, which is what we want to do, but also to document the record.

Allegations have been made by organizations and individuals that certain things were done or were not done. I believe that, for the record, it is useful to point out that the reason we have not achieved an accounting is not because of any duplicity or any lack of diligence on the part of the Government.

Mr. OTTINGER. I wasn't intending to imply that. I think we are just faced with a very difficult situation. Circumstances have changed. I think at this point, if we are going to achieve progress in achieving our goal, we are probably going to have to sit down and discuss the things that North Vietnam now wants, even if that isn't proper and right in terms of fulfillment of past agreements as we see it.

Dr. SHIELDS. Well, certainly, Mr. Ottinger, in terms of achieving the success that we want—and that's really what we are looking for; not really defending records, but in achieving an accounting—we certainly have to look at the full spectrum of things which might bring that about.

Mr. OTTINGER. As far as your input into that, is that decision made solely by the State Department, or does the Secretary of Defense have an input into that decision?

Dr. SHIELDS. The Secretary of Defense as the individual primarily responsible for these military members, would certainly have an input into that, without any question.

Mr. OTTINGER. I guess we should get the Secretary of Defense to come here, then, and express his point of view, that we would hope that, informally, he could be helpful in seeing if we couldn't get this process started, and at least find out what it is the North Vietnamese

are prepared to do and what it is they would like to see us do in order to be able to achieve the objective of getting an accounting.

The CHAIRMAN. We will come back to you, Mr. Harkin?

Mr. HARKIN. Perhaps just one followup on that, Mr. Ottinger. It would seem to me—and I'd like to direct this question, a combination comment and question, to Dr. Shields—that that would seem to be based upon the letter you received, you and other members received, from Pham Van Dong—that this would be the proper purview of the State Department, rather than the Defense Department, considering that they have outlined what is necessary for us to get an accounting of the MIA's, and they have outlined it in terms of contribution to healing the wounds of war—whatever that may mean—post-war questions, that type of thing, which seems to me not to be in the purview of the Defense Department, but in the purview of the State Department.

It would seem that if we tried to pursue the question in this select committee of the MIA's through the Defense Department, we would be going down a blind alley, and it must be done through the State Department. I'd just like to have any comments from you on that.

Dr. SHIELDS. Certainly we are prepared, as I indicated, to furnish the manpower to go in the field and physically accomplish that accounting. We do have that expertise. We have the record base necessary for that.

Mr. HARKIN. Experts in terms of ordnance, that type of thing?

Dr. SHIELDS. The physical work of accomplishing an accounting that's right. If the authorities are given us, we can—we are prepared to implement the kinds of activities which we are allowed to undertake.

As far as negotiations are concerned, our Four Party Military Team was charged with implementing article 8(b). It was never given the latitude, nor should it have been, by the cease-fire agreement to discuss other issues. So it never did that.

I think it would be improper for a military negotiating team to get into these kinds of questions. That should be the State Department.

Mr. HARKIN. I see, perhaps, on this select committee, our procedure perhaps, is to obtain from you, from the Defense Department, the necessary information we need in terms of location, status, whatever documentation you may have. In terms of dealing with the Vietnamese, in terms of obtaining a solution to this problem, that has to be done on a different basis.

Dr. SHIELDS. If we are going to get into these other questions of what it may be that the North Vietnamese require now, I think that is correct.

Mr. HARKIN. It seems to me that they outlined in that letter to Congressman Ottinger—to be sure it's vague, but at least it's a starting point—where we can start to negotiate with them. Of course, this isn't your realm. I am anxious to get Dr. Kissinger up here and find out what he is doing.

Do I have a couple more minutes, Mr. Chairman? I have just a couple of other questions.

I have had a number of families of MIA's in my State who have written me, called me, and asked me why, for example, an MIA who has been listed as an MIA for a number of years, all of a sudden the

status is changed to dead. One just happened this week, Col. Lester Holmes. He was an Air Force pilot, shot down May 22, 1967, listed as MIA. Status changed on July 23 of this year to dead.

They said there's been no new information, nothing has come out, and all of a sudden, bang, the status is changed and they want to know why.

Dr. SHIELDS. Let me just describe very briefly what the policy is with regard to status changes. This is a sore point with many of the families, because many of the families would prefer that a man's status not be changed. In doing this, we are governed by law. The law indicates that a man—this is section 555 and section 556 of title 37, United States Code, and it's very specific with regard to its provisions that a man should be declared dead if he cannot reasonably be presumed to be living.

There are a number of reasons for which a man's status can be changed. With regard to some men, it was based upon the actual recovery and identification of remains. In other cases, it was based upon an analysis of the incident which resulted in the man entering the missing status. For example, with regard to men who were lost over water, we carried a very extensive over-water search off the coast of Danang, using side-scanning sonar, underwater television. We found a lot of debris, a couple of aircraft in which we were interested, and which we could identify, and partial remains in one case. Some things led us to believe that, in at least one instance, a crew in fact did die in that aircraft.

In other cases, we found nothing. They were over water, and we felt that we had done everything we could to effect an accounting, to no avail as far as positive information was concerned, and the status of these individuals was changed.

In some cases, it will be based upon new information, based on intelligence reports which indicate, even though we don't have remains, what happened. It's new information and it indicates that the man died.

Throughout the course of the conflict, the services have always honored the request of the primary next of kin, as opposed to the secondary. For example, if a man is married, his wife would be the primary next of kin, his parents would be secondary.

We have found, often, that the situations of a wife and the parents may very well be totally different, and that is understandable. Wives find sometimes that, because a power of attorney has expired, they are unable to sell property, because they can't pass a clear title. It's a hardship on them. They can't continue on with a new life. In many cases, there are young children to raise, and it's very difficult. After a certain period of time, with very negative information, many times the primary next of kin, the wives, and in other cases the parents, will request that the services review the case of an individual.

The service will honor the request of the primary next of kin and will review that case. If their review of the case indicates that now, continued negative information and a long passage of time, with very little hope of further information, a man now should be declared dead, that is done.

Mr. HARKIN. I see.

The CHAIRMAN. Let me try to clarify. Most of the ones you have reclassified have been as a result of a request from the primary next of kin for a review of a particular file. Is that the situation?

Dr. SHIELDS. The families asked for a review, as opposed to a change. The review simply is the process of the Board examining that information again. The Board makes a decision, not the family member. That the families ask for review, rather than for change, is the point that should be made.

The CHAIRMAN. In effect, until the select committee does its work and makes a report, it's the general feeling in the Defense Department that, unless there is a family request for review, that there will be no more reclassifications; is that correct?

Dr. SHIELDS. Unless we have new information. For example, we have some 40 sets of remains at our identification laboratory in Thailand. After a long, arduous procedure, we sometimes, after holding these remains for years, will identify those remains. Then a status change would be made.

But we are not, and have never contemplated, making wholesale status changes. We emphasize that the case of each man is unique, and, as you in this select committee begin to delve into this, you will find how true that is. Only in cases of multiple members of a crew of a single aircraft are circumstances the same, and if anyone got out of the aircraft, they'd become divergent immediately. You must look at that one individual's case, and the determination has to be made with regard to that man, not on any mass basis at all.

Mr. HARKIN. One last question, please. This letter here that I have, also—maybe it was an attached letter of somebody else on there—indicated something about the North Vietnamese had tens of thousands of MIA's.

Has there been any indication on their part that they want some kind of accounting for their troops at all, that were lost in the South or anywhere else?

Dr. SHIELDS. Well, just to the contrary. North Vietnam has only recently acknowledged that they even had troops fighting in the South. The fiction was that they were never there, so they could never ask for that.

Mr. HARKIN. I understand.

Dr. SHIELDS. The Vietcong, for example, have indicated that they are concerned about their people, as well. For our part, and for the part of the South Vietnamese before their Government fell, they stood ready to aid North Vietnam in this work. As a matter of fact, they offered many times to repatriate the remains of North Vietnamese and Vietcong soldiers who died in the South Vietnamese prison camps. So there was a basis for reciprocity.

The CHAIRMAN. Mr. Gonzalez?

Mr. GONZALEZ. I was just going to interject, in connection with that question, here's a specific name where a change has been made. In that case, has the family been notified and told why the change was made?

Dr. SHIELDS. Yes.

Mr. GONZALEZ. They were?

Dr. SHIELDS. Yes. In fact, due to a lawsuit which resulted in a three-judge panel modification of the Missing Persons Act, families are given an opportunity to appear at a hearing prior to the review, and

the families have the right to examine all evidence regarding the case and to present any evidence or any kind of testimony which they desire to present on their own. They may waive that right, if they so desire, but they do know.

Mr. GONZALEZ. But you referred to this law, title 37, as if there is something impelling there in that law, something mandatory. If that is the case—that is, the criterion that you described briefly—then you could say that about all of them.

Dr. SHIELDS. Well, it could. The law is very clear on this point. The question, of course, is, when is it obvious that a man is no longer alive? That allows for discretion on the part of the service Secretary so as to whether a status change is made or not.

Frankly, because of the numerous reports that we have received of men being alive, even though they were so vague, because of the whole murky background of this area in which men were held for long periods of time without any communication, even without being held with other Americans, because of the record of duplicity, we have not felt that the time has come to go forward with a general series of reviews.

Mr. GONZALEZ. So there is a fairly wide area of latitude or discretion in the law. In connection with that—and I hope I am not taking too much time, Mr. Chairman—

The CHAIRMAN. This is an important area we have got to get into.

Mr. GONZALEZ. The other day, I asked a question—and I think it is very much connected with all of this—what about Korea? Were all of the prisoners or erstwhile prisoners accounted for? Did we settle that? Is that formally over, or is that still a continuing question?

Dr. SHIELDS. It's a continuing question in the minds of some families. A year or so ago, I received a telephone call from the wife of a B-26 bomber pilot who was lost in the Korean war, who had read something in the newspapers about some information we had received from the People's Republic of China. She wanted to know if it pertained to her husband. Her husband is declared dead.

This is the human tragedy and that's what we are talking about. The real individuals who have real families, and when you meet these families and you talk to them, you understand how horrible this is.

This fine woman had lived all these years, even though her husband had been declared dead, in hope that some day she would hear something, and that perhaps her husband was alive.

She had received a telephone call 10 years ago from someone in Seattle who said, "I think your husband was seen somewhere in such and such a Province * * *"—something like that—cruel kinds of things; but that remains alive for these families.

As far as Korea is concerned, there are 389 men whose fate we are not able to ascertain. They were declared dead, but what happened is very murky. With regard to the other men, we feel that we do have a fairly good idea as to what happened to them, but 389 men still are not satisfactorily accounted for; but they are all declared dead.

Mr. GONZALEZ. The files are officially closed?

Dr. SHIELDS. That's right.

Mr. McCloskey. Will the gentleman yield?

Mr. GONZALEZ. Certainly.

Mr. McCloskey. Could we get from you a square appraisal of the categories in the former wars—Korea and World War II—so we can compare it with what we have on that?

Dr. SHIELDS. We'll be very pleased to do that. I think, Congressman, when you look at that record, you will find that in the Korean war and in World War II, about 22 percent of our casualties—and I'd have to refresh myself on the numbers who were ultimately declared dead and were never recovered.

In the Vietnam war, we are talking about a fraction of that percent. We are talking about less than 5 percent. This is specifically due to the fact that the war was different in nature, involving small unit actions not so far from the main lines, and so forth. But also because of the great emphasis that was put on recovering the remains of Americans and finding out what happened to them.

You will find out that we lost Americans in search-and-rescue operations. We have, on occasion, lost four or five to recover one. We did everything we could and the record, I think, is amazing, in that we are talking about so few people, rather than a much greater number.

The CHAIRMAN. I could see one area this select committee could help in by getting studies of the other wars and reclassification that took place. While we hope never to become involved in another war, a committee recommendation on the matter of change of status might be helpful.

Dr. SHIELDS. I think I indicated to you that my own belief, in some cases, was that perhaps the services erred in carrying a man as missing in the first place.

The CHAIRMAN. He should be declared dead?

Dr. SHIELDS. Again, you have to recognize that in the context of the moment, at the time when we knew so little, those individuals were making those judgments based on that set of circumstances.

It's very easy, as a Monday morning quarterback, to go back and say that never should have been. I had a former member of the Navy Blue Angels team who is now an airlines captain, describe an incident in Vietnam in which he saw one of his wingmen hit with a missile and blow up in a ball of fire. He came back and made his recommendation to the naval officers in charge of casualty report:

This man is not coming back, he is dead, there is no question about it. There is no doubt in my mind. I've been flying too long a time, I'm a good pilot, and I know he should not be put in a missing status.

Well, the review board listens not only to one man but to a lot of others, and some others weren't quite so certain. They carried that man as missing in action. And, in fact, he was returned as a prisoner of war. We have movies, which you may want to see sometime, in which is shown a gigantic explosion and then nothing. All the pilots in the area came back and said there were no chutes seen, no beepers heard, no indication that anyone survived, and yet North Vietnam had these men on television some time later. So that was the environment at the time, and you just can't second-guess this kind of thing.

Mr. GONZALEZ. Also in connection with the Korean war, did the Communists use the prisoner issue as a pawn, as they have in this case so extensively?

Dr. SHIELDS. I don't believe that the prisoners were used in the same way during the Korean war. I think you will find, if you look into treatment that the prisoners were given abysmal treatment, as they were from this conflict, but they were not used in the way our men were used.

The periods of time, for example, probably didn't permit that in the first place. If you look at the record, our men who were lost in 1964 and 1965, in many cases were never acknowledged as prisoners in any way until 1968 or 1969. By that time, the Korean war would have been over.

The North Vietnamese really didn't begin at first to use this in a knowledgeable way, other than not giving us any word. That, of course, built up anxieties, but it was not until 1969 that this really became a burning public issue in our own country. By that time, Korea would have been over.

Mr. GONZALEZ. One of the reasons it did was that it was used very adroitly by having Americans visit Hanoi and make contact with these men and, propagandawise, it was a tremendous value, because it made them more valuable because the pressure then came on our country to say, "Well, are you going to forget about these men in order to pursue an immoral war?" I was just trying to recall. I know that quite a number of our men were in Communist camps in China during and after Korea.

Dr. SHIELDS. There were a small number of men who were in China.

Mr. GONZALEZ. I never remember the deliberate use of this, as in the case of the Vietnamese war.

Dr. SHIELDS. As I say, the history of the Vietnam war was different. The time was different. Captain Vohden, how long did you spend there, Ray?

Captain VOHDEN. Almost 8 years.

Dr. SHIELDS. Before the Vietnam war, the longest an American had been held prisoner of war was about 31½ years. In Vietnam, it was more than twice that length of time.

We faced the problem, of course, that we knew that the standards of treatment were horrible. In 1969, Secretary Laird held the first big press conference that put this out squarely in front of the public; prior to that time. It had been worked very quietly. The feeling was at that time that we had to do something to keep these men alive and that we ought to focus attention on that. If you will talk to the men who came back, you will find that after 1969, their treatment did change.

The CHAIRMAN. Is that correct, Captain?

Captain VOHDEN. Yes, sir.

Dr. SHIELDS. There are many men I talked with—and maybe Captain Vohden feels the same way—that prior to that change of treatment, they had no confidence that they would have continued to survive the rough treatment. After 1969, they felt their chances of survival were good. They didn't know when they were going to be repatriated, but they didn't feel in imminent danger of death.

Mr. GILMAN. Dr. Shields, how many cases have been changed in status from MIA to KIA since the war started?

Dr. SHIELDS. I can't give you the number since the war started, off-hand. I have figures since the signing of the cease-fire.

Mr. GILMAN. All right, since the signing, then.

Dr. SHIELDS. There have been 509 status changes made since the ceasefire on January 27, 1973. Of those 509, 142 are termed reports of death based on evidence which allows you to say this man died on this date. That would include recovery and identification of remains as one way of doing that. Of that number, 367 were what we call presumptive findings.

Mr. GILMAN. Is it my understanding, then, based on the statements today, that the Department has stopped the presumptive finding procedure?

Dr. SHIELDS. No, we have not stopped the presumptive finding procedure. Presumptive finding generally could be made only in the case where primary next of kin wrote to the service Secretary and said, "Would you please review the case of my husband or son or brother"—whoever the relationship may be. When those letters are written in, the services will review it and they may, or may not, make a presumptive finding.

Mr. GILMAN. For all other cases, you would withhold any further procedure on presumptive findings, is that correct?

Dr. SHIELDS. That's essentially correct.

Mr. GILMAN. How many crash sites are there out there, that the armed services have pinpointed, that we still haven't been able to investigate?

Dr. SHIELDS. I could give you the numbers on that. I don't have them with me right now. Would you know that, Ray?

Captain VOHDEN. I would say somewhere around 973.

The CHAIRMAN. Is that for Southeast Asia?

Captain VOHDEN. Yes, sir, all of Southeast Asia.

Mr. GILMAN. How many gravesites are there that we know about that we haven't been able to inspect or exhume or repatriate?

Dr. SHIELDS. Our state of knowledge with regard to gravesites is fairly loose as it is with regard to the crash sites.

We would know about gravesites only because of information, sometimes very tenuous, which had been given to us or in some cases because we had been told one way or another, perhaps through photographs, through documents from the Communist side, these kinds of things. At a later date I will provide that for the record also, to the extent of the knowledge that we have on that.

I would like to add that we have visited some crashsites which are still of continuing interest to us. We were not able to do the thorough job that we would like to have done because of either hostilities in the area, or we intended to go back and for one reason or another, we were unable to get back—say the area changed hands. Some sites we have visited and have inspected but still feel we have more work to do there.

Mr. GILMAN. And where are these crash sites besides Vietnam?

Dr. SHIELDS. They are in North Vietnam, South Vietnam, Cambodia, Laos, some in the People's Republic of China, as a matter of fact, and maybe even some in Thailand, but we don't know.

Mr. GILMAN. Dr. Shields, how long have you been engaged in this work of trying to locate the MIA's?

Dr. SHIELDS. Almost 5 years.

Mr. GILMAN. Do you have any recommendations to the select committee as to what you think our principal function should be and how we should go about our work?

Dr. SHIELDS. That's very difficult to say. My own feeling is that we have tried many things, and haven't met with a great deal of success. The select committee may want to go back and reexplore some of those avenues, maybe with a little bit different slant, maybe take a different tack, but using some of our same basic ideas.

I would think that the select committee would certainly want to become knowledgeable with regard to the background of what has transpired, the kinds of things which have been tried, the kind of opposition with which we have been met, the kinds of initiatives which have been made, and the results that we obtained from those initiatives.

Perhaps an examination of that history will reveal some new ideas. I frankly don't have any easy solution to the problem. There is no easy solution, even if North Vietnam and all of its allies said, "Come in, bring anyone you want, go to work, you can do anything you want to do," because in some cases, all we have to go on is the last known location of an aircraft at 35,000 feet, 5 minutes from takeoff.

You know, we have documented a case that occurred in the State of Washington, where two individuals were in a disabled airplane and both ejected. The one individual was found immediately. The wreckage of the airplane was also found. We did not however, locate the remains of the other individual until years later.

Mr. McCLOSKEY. Will the gentleman yield?

Mr. GILMAN. Yes.

Mr. McCLOSKEY. My problem in trying to understand what you have just said, when you say going back to the initiatives and avenues you have tried, are you referring to technical or diplomatic initiatives?

Dr. SHIELDS. Both. Everything that we have done.

Mr. McCLOSKEY. Well, in order that we evaluate those, I wonder, with the select committee's consent, if you could enumerate each of those avenues—not today, but by written memorandum to us—so that we can do exactly as you say, look at each avenue and negotiating tactic and try to make our own determinations.

The CHAIRMAN. I think we should comment further on your statement that, even if we went back, we couldn't get all the answers. I agree with that, but, on the other hand, we could get a lot of information.

I fully realize that with the heavy vegetation over there, that some crash sites will never be found. If an airplane was coming over a target at 650 miles an hour, loaded with heavy ordnance, that it could completely destroy everything. There's really nothing there but a big crater. You can't get the tail assembly, a number, or other identification. However, if anybody could get in there, there's a lot of things that could be cleared up.

Dr. SHIELDS. Congressman Montgomery, I agree with that. I think that the families, and certainly we in the Defense Department, are concerned with accomplishing the task.

We have remains right now which we are doubtful we will be able to identify any time soon. We are not going to give up, because, as I said, we have been working on some cases for years. In fact, we just identified a set of remains that we have had for a number of years, so we don't give up, and the work continues. When we talk about giving a family member the assurance that we have found out what happened

to that loved one, and, ideally, the thing to do is to give them that information, that he is or he isn't alive—it's going to be very, very difficult to do, no matter what happens.

I think the record will show that we have tried a number of avenues. We have made many initiatives which have not met with success. I think that my point really alludes to the fact that history will reveal that the problem is a very difficult one that will tax the ingenuity of our Government—many branches of the Government, many agencies. I am hopeful that we will come up with the answers to the problem, but it's not going to be easy, in any way.

The CHAIRMAN. In this select committee, we know we are not going to come up with all the answers.

Of course, we'd like to answer all the questions, and help all the loved ones, but I think we know that is an impossibility.

Mr. GILMAN. Dr. Shields, our select committee was informed that some 80 files were turned over by Dr. Kissinger to Le Duc Tho about a year ago. Did your Department take part in the preparation of those files?

Dr. SHIELDS. We have passed over files containing information on all of the men for whom we are seeking an accounting. Not all of them were passed over by Dr. Kissinger, but through various other forms—through the Four Party Military Team, through diplomatic exchanges. So information on all of our men has gone over to the other side.

Our people in the Defense Department, primarily in the services, in the Joint Casualty Resolutions Center, worked on the preparation of those documents.

Mr. GILMAN. Then every one of the missing files are now in the hands of the Vietnamese?

Dr. SHIELDS. When we say missing files, these are not the files that they have. This is a capsule summary of information which we feel would be necessary to the North Vietnamese or the Pathet Lao, or whomever it may be, to go out and either correlate some information which they have with the names of an individual, or to go to an area in which they hadn't been, and to make that search on their own.

Mr. GILMAN. You haven't received any response on any of those; is that correct?

Dr. SHIELDS. We have received comments when we pass over information on a man about whom we have proof positive that, in fact, he was a prisoner. We have received comments such as, "Hm, this is interesting." That's all.

We have had a comment that they, the North Vietnamese, for example, have done some work, have produced some information perhaps, and found the information we have given them useful. Whatever that may mean. It's been useful to them, perhaps. It's not been useful to us yet.

The CHAIRMAN. Did you see the Ottinger letter?

Mr. OTTINGER. You have seen that exchange of correspondence; haven't you?

Dr. SHIELDS. Yes.

The CHAIRMAN. What did you think of that letter? You have been dealing with the Vietnamese in the past. In comparison, how did you classify that letter?

Dr. SHIELDS. I think it was very illuminating. It confirmed some things we believed. We felt, for example, that this issue was important to the North Vietnamese and that they probably had accumulated some information, probably had made some inquiries in this area, and were probably preparing to do business with us if the occasion ever arose. I think this confirmed it.

The CHAIRMAN. But you didn't think it was shutting the door, a real tough letter which others have received in the past?

Dr. SHIELDS. Far from it. I think it was probably very gentle and mild in tone.

Mr. OTTINGER. You saw my reply, which I interpreted as being a tough response, and it was said subsequently, because of my inexperience I probably did not interpret it correctly. That's been confirmed by some people in the American Friends Service Committee, and I do intend to pursue that.

Dr. SHIELDS. I believe, from my own point of view, your response was appropriate. Because no matter how gentle, we are talking about things relative, and a gentle and mild reply from North Vietnam is still, in your case, a negative reply. I think a negative reply does deserve that kind of response, because, after all, we are talking about the most fundamental, the most elemental kind of humanitarian activity available.

These men we are seeking now, if the Communists are correct, are dead. They say they don't have any information on missing living Americans. What could be more fundamental to basic human decency than working this out?

Mr. OTTINGER. I had hoped for an affirmative response or at least an affirmative gesture, particularly since it came from 26 of the most active people who sought to end our military involvement in Southeast Asia. Nonetheless, people who have much more experience than I have say the response was an invitation to talk and an expression of interest in talking, rather than a flat rejection. I think we ought to pursue that.

Can I ask a different question? My staff tells me, and I met with some of the families of the missing in action organization, and there is an action, I take it a legal action, against the Defense Department under the Freedom of Information Act to get certain information—or at least a request under it: it may not be a legal action.

I wondered what the problem was there in terms of giving the families information that they had sought.

Dr. SHIELDS. I'm not sure which action they might be referring to. We have had several requests under the Freedom of Information Act. First of all, we must remember that we also have the Privacy Act, with which we must deal in the Defense Department. When you are talking about individuals, we are talking about personal information. In many cases, information which families have asked not be divulged.

We must protect the privacy of the family and the individuals who are missing, and, of course, that presents a problem.

In some cases, the requests were not specific enough. We had one request which, in effect, asked for anything that had anything to do with prisoners or missing. We did go through our files, and I forget how many cubic feet of files we found. We are talking about well over a million documents, and it's not humanly possible for us to do. As we

have responded, and we have provided some information under the act.

Mr. OTTINGER. Is there an outstanding problem there between any of the families who seek information and the Defense Department which is withholding information?

Dr. SHIELDS. I don't believe we have any outstanding requests under the Freedom of Information Act. We have responded. I am sure some of our responses were deemed unsatisfactory, but I don't think that we have anything outstanding now.

I think, to the contrary, we have gone overboard in the military services, and the Defense Department as a whole, to provide families with all the information we possess. I don't believe that there is a family who doesn't have all the pertinent and relevant information pertaining to their own loved ones.

In some cases, we withheld information concerning sources. If we have sensitive sources of information—the names, for example, of informers, of certain methods of obtaining information—we withhold that. But we do pass the information on to the families.

Even though we did not believe the information we received concerning the two men in Cambodia, to which I referred earlier, was correct, we nevertheless passed that information on to the families. This was information concerning men that were said to be alive. We passed that information on to the families as soon as we had analyzed it, had done everything we could do to go back and confirm it, and make sure we are not just passing on rumors.

I think you will find, and the committee will find, that the families do essentially know everything we know about what happened to their loved ones.

Mr. OTTINGER. I'd just like to thank you, Dr. Shields, for what I think is very helpful information. We look forward to working with you. I do appreciate it.

The CHAIRMAN. This is one of the problems that's been presented to some of the members; that you are withholding records from the families, and that there are boxes of this information that should be made available to the families. How can this select committee clear up this situation? This may be one area that we could help in.

Dr. SHIELDS. We would certainly be happy to talk with you about it and work out ways in which we could get into this question. There are problems, again, of privacy. We have had some families, for example, who have asked that their addresses not be given to their own Congressmen, simply because they do want privacy.

Members of some families have appeared—wives, for example—on television on behalf of the whole prisoner and missing problem, and that makes these people a target. This is an advertisement that says, "Here's someone who is unattached; her husband is not home, here's where they live," and they have been plagued with problems because of that.

Many of them have asked that information concerning their own specific situations, and that of their missing relative, not be divulged. We, of course, have to honor that. I think there are ways in which we can get into this. Most of the information has been declassified. We have declassified by now almost everything we can declassify.

If we receive an intelligence report, we will look at the source, and unless it's an extremely sensitive source, the source is even made available to the families. If it's sensitive, the source is deleted, but the gist of the report is passed on to the families. That information now is unclassified, and can be readily examined.

The CHAIRMAN. What you are telling us is that this is a solvable area. We can work it out. It's not that big a problem to you.

Dr. SHIELDS. No; I don't think it's a problem to us at all. In fact, we have supported visits—I believe you visited the Joint Casualty Resolutions Center and talked to the people there. Congressman Gilman, I know you have. We have been very pleased to support those kinds of efforts in any way we could, and have tried to cooperate the best way we can.

In fact, I think most of our problems have come when we have opened the files and the families have seen some of our unfortunate errors. We are not perfect, we have made bookkeeping errors, we have had notations that weren't proper, and some have been seen by family members, and they want to know why they are there, and what this means. Sometimes it's not satisfactory to go back and say, "Yes, we recorded this man as being held in the Ho Lo prison, but that is an error and we don't have any information that he was ever there."

That's not what they want to hear. They are disturbed, and that I can understand. They say, "Why do you make errors like that?"

This is like the surgeon, your errors are not always easily forgiven. We try to make as few as we can.

The CHAIRMAN. Captain, do you or the major have any comments? Captain, after 8 years, have you adjusted pretty well?

Captain VOHDEN. I think I have. I am enjoying life very much now. I think Dr. Shields has covered everything very well. I don't have anything else to add.

The CHAIRMAN. We will close out, then. Dr. Shields, we talked earlier about some liaison with you, and maybe when we needed these records that you would furnish the personnel, or the different services would.

Actually, these records—am I correct, Dr. Shields—like in the Air Force, they have these records separately, and then also the Navy, and the Army, also?

Dr. SHIELDS. Yes.

The CHAIRMAN. Would you help us coordinate if we wanted to bring the records up and look at certain ones? For example, on classified, or privacy, how far can members of this select committee go, looking at information such as that?

Dr. SHIELDS. I think one way to do this would be for the services to contact the families and ask them if they have any objection to their own records being made available to the select committee. We have done that on occasion. Sometimes they ask that these records be made available, and certain Congressmen have examined these files to see what they contain. So I think we could do that, and if any objections were made, we could deal with those objections on an individual basis. I think most families probably would be pleased to have the select committee get involved.

The CHAIRMAN. I am thinking about some of this classified information that the families hadn't seen. Could the select committee see that?

Dr. SHIELDS. Yes; I'm sure of that. I think that you will see very quickly what the real gist and substance of this information is.

The CHAIRMAN. Some of it is top secret.

Dr. SHIELDS. I, of course, would have to go back and check everything out, but I really don't see right now that this classified information would not be something that you could examine as well. There is very little of that now. It has disappointed some family members because most of it has been declassified. At one time, we classified locations of losses in Laos. That is no longer so.

The CHAIRMAN. I would recommend declassify as much as you can. It would just help the families, and—

Dr. SHIELDS. We have.

The CHAIRMAN. I can't see why you would have to classify so much, anyway.

Dr. SHIELDS. We have made great inroads at that and you can look at the orders which we have sent out asking that all this be done.

For the most part, it has been done, and I think you will see probably that, when we look at the majority of the cases, the facts are fairly well known. There are, however, cases in which the facts are not so well known to anyone.

Mr. GONZALEZ. Mr. Chairman, before we wrap this up, let's see if I have a clear picture. Because we are going to try to take these various and sundry elements like the Defense Department, the State Department, and the like, and if I am correct in what I heard this afternoon, if any really serious or competent endeavor is really undertaken to locate and identify, it has to be done by a very special team with the expertise and the necessary knowledge. I gather that that would be one of the prerequisites?

Dr. SHIELDS. Let me qualify that, Congressman, by saying that individuals can be trained. In other words, it doesn't have to be our people doing it. We can train neutral observers who would be able to do that. We can give them the expertise which they need to accomplish this. If there is any objection to American or U.S. personnel, we can train teams from any acceptable nation or group.

Mr. GONZALEZ. I think it would be indispensable to have the trained units already trained and who have already done so much of this. You have this ability and capability, and you have proceeded thus far, and then, because, for example, one member was killed outright, and also the imposition of demands from the other side, then, if I recall correctly, you made the statement that, if it was necessary to do this, there would really be literally no way of complying with the demands that would permit, say, an American military team to go onsite.

That leaves us with the challenge of trying to find out what availability or what avenue could be followed to see if that consent or that permission could be negotiated.

Mr. OTTINGER. Would the gentleman yield? I take it you feel that the North Vietnamese have gathered some information which they have not turned over; is that correct?

Dr. SHIELDS. Yes; without any question, we know that. We have learned of this through sources other than the North Vietnamese, so we do know that they have information.

The CHAIRMAN. How about the Vietcong and the Pathet Lao?

Dr. SHIELDS. Without any question; yes. The Vietcong have identified certain men as having died in captivity. They have never allowed us to exhume or repatriate those remains. So they do have information, without any question. Let me add that I would not discount the possibility that Americans would be allowed to accomplish this accounting.

I recall before Operation Homecoming, that some of my colleagues told me that I was foolish in believing that we would ever be able to send out aircraft to Hanoi to pick up Americans there. They said it will never be done, you shouldn't even ask for it.

My feeling was, and that of others, why not ask, and if someone is going to say no, let it be the North Vietnamese who tell us no.

We asked, and the North Vietnamese were very pleased to have us go to North Vietnam. So perhaps they wouldn't pose any objections. I don't know.

The CHAIRMAN. In your actions, and the feelings that you had, either pro or con, before the war or during the war, and the personalities you were dealing with in these situations, how do you read the North Vietnamese on our select committee members—hawks or doves—in the past?

Dr. SHIELDS. I don't think it makes a great deal of difference to the North Vietnamese. I think that they don't really stand on protocol, one way or another, when it is in their interest.

When it is in their interest to talk to someone, I think that they find the people who are in the appropriate position acceptable, regardless of past histories.

I think that the North Vietnamese can be very pragmatic about that, and if they find it in their interest to do business with us, they will do it. If they don't think it is, then I don't care what the record would be. Some people whom we might have expected to find success were rebuffed before, even though they should have been in good standing with the North Vietnamese, because the kinds of things which were asked were too difficult for them to do.

I think one of the important things to do is to remember that this is a humanitarian question, and if we move away from the humanitarian aspect, we can discuss all kinds of things, but fundamentally, it's a humanitarian issue. We undercut our position in the future, if we make this simply a question of how much can this buy, and how much can that buy.

The Geneva Conventions helped our men; even though they were not observed, they helped. It was the sole legal position that we had for demanding fundamental standards of treatment for our men. It helped, and it is a humanitarian issue. We really ought not to be in a position of bargaining for the bones of men.

Mr. HARKIN. Fine, That's something that I agree with, but you just said, it's a humanitarian undertaking. If I read their letter right to Congressman Ottinger, they are saying; yes, they agree, but it's also a humanitarian issue to talk about postwar reconstruction, recognition, and all these other things. Do you conceive that to be a humanitarian project? Is that humanitarian also?

Dr. SHIELDS. To talk about reconstruction and repairing the wounds of war and things like this?

Mr. HARKIN. Yes.

Dr. SHIELDS. There are many kinds of things which might be humanitarian. If we do discuss these issues, I would hope it would be on a humanitarian basis.

That's exactly my point. I don't think we should ever offer to pay, or say, look, a man doesn't have any fundamental rights other than the rights we can purchase for him in terms of what you want, the price we pay.

Mr. HARKIN. I think you point out something that is going to come up in this select committee in the future, and that is semantics. You talk about buying back the bones of our boys. Now that can be cast in that light, or it can be cast in the light of quid pro quo humanitarian concepts.

If we look upon postwar reconstruction in Southeast Asia as postwar reconstruction, and then we look upon the accounting of the MIA's as a humanitarian undertaking, then I think we are doomed to failure.

We have to look upon the whole thing as a humanitarian undertaking; the whole thing, as you mentioned. If we don't, we are going to be locked into the thing.

We want to talk about postwar reconstruction, we want to talk about MIA's. What they want to talk about is us paying them to buy back the bones of our boys. Once we get locked into that, we have had it.

Dr. SHIELDS. My response to that would be, when we talk about men who are missing, they are out of the battle. International protocols have been developed concerning these men, concerning the return of the remains of the dead, and these kinds of things.

The United Nations doesn't often agree on many things, but they did agree on this question of how we should go about accounting for people who are missing in action. They called for cooperation in this kind of thing.

I don't think the United Nations would have ever agreed that reparations ought to be paid or that foreign aid ought to go forward.

I would put this on the most basic, fundamental level of humanitarian action, and I think that we ought not to forget that's what it is. That when we talk about these men who the North Vietnamese say are dead, and there are no more living Americans that they hold prisoner, that we ought to recognize these men are no longer menacing anyone in any way at all.

The only people who are bearing the burden of the missing problem now, other than this Nation, that has an obligation to those men who bore the colors of this country, and did as they were required to do because of their military obligations, are the families.

Mr. McCloskey. Would the gentleman yield?

Do you feel we should invoke the United Nations Conventions as part of our argument?

Dr. SHIELDS. I certainly think they should be.

Mr. McCloskey. If so, should we be prepared to bargain with the U.N. intervention?

Dr. SHIELDS. I think that the questions are separate questions. I think the United Nations actions—

Mr. McCloskey. What is your answer?

Dr. SHIELDS. My answer is that the two are very separate questions, and I don't believe that it follows, if you use one, that you must use the other.

Mr. McCLOSKEY. No; but if we invoke the requirement of the U.N. conventions, aren't we then in a position of scarcely being able to deny U.N. admission to the two Vietnams?

Dr. SHIELDS. I don't believe, Congressman McCloskey, that that follows. The United Nations resolution talked about the missing in action from wars wherever they may be, and it indicated that these men should be treated in a certain fundamental way.

Mr. McCLOSKEY. How do we ask them to adhere to U.N. requirements if we object to their admission to the U.N.?

Dr. SHIELDS. I simply point out that other nations have advocated that this kind of action be taken. Sweden has done the same thing. In fact, even the North Vietnamese themselves—

Mr. McCLOSKEY. Isn't it better not to invoke the U.N. position if we are going to adhere to a position that we are denying them, by our veto, the right to be in the U.N.?

I am not quarreling with your balance here, but I am wondering if we should even raise the argument of U.N. conditions if it is our policy, and the President and the Secretary to determine, that we are going to deny them U.N. admission. It seems to me we weaken one or the other.

Dr. SHIELDS. No; I don't believe it does. There are nations which were not a party to the Geneva Conventions, which did not later ratify or accede to the Geneva Conventions, but I would have no trouble personally in invoking the standards of the Geneva Conventions as standards which have been called for by many nations as being fundamental standards of treatment for people who are captured in combat, regardless of whether an individual is a party to that kind of thing or not.

I think that the United Nations resolution was simply a statement by the members of the United Nations that men or women who became missing in action should become objects of sympathetic consideration. I don't think that a nation has to belong to the U.N. to have that influence their standards of action.

I think these are simply standards of civilized, humanitarian action which should be invoked regardless of whether the Vietnams are members or are admitted to the U.N.

Mr. HARKIN. I think what Congressman McCloskey is saying is that we invoke it on that basis, not on the basis of the U.N., but just on humanitarian, civilization type of thing. He makes a very valid point.

Dr. SHIELDS. I don't think, at the same time, that this should cause us to refrain from pointing out that the United Nations has, in fact, endorsed that kind of activity. That is my point.

Mr. GONZALEZ. There is one other thing that is very bothersome. According to foreign press sources—French, Latin American, Spanish press—the United States, as part of the Paris agreement, did commit itself to reconstruction, but the Congress, as far as I know, has never had any accounting if there was a side codicil—or memorandum, as they call them.

I don't really know formally of it, but yet the world seems to be reporting constantly that this was a formal thing, agreed to by our

representative, Dr. Kissinger, and that this is one of the reasons—among others, that we had continued to aid Thieu and the rest—but principally this one, that we had reneged on a very important part of the terms of the Paris agreement. Do you have any knowledge that there was a formal commitment?

Dr. SHIELDS. I have no knowledge of any commitment other than what the cease fire document itself contains.

I do know this, that we insisted—and as far as I understand, the North Vietnamese agreed—that the question of the prisoners would remain separate.

We had seen the experience of the Korean war in which the return of prisoners became a very involved and very difficult kind of situation.

We also saw the French repatriation. The French repatriation of prisoners of war halted for some period of time because the French introduced, as I understand, some other questions about their cease-fire agreement.

We did not want to have the release of our prisoners depend upon anything other than our withdrawal, and you will recall, at the time, we made it very clear—

Mr. McCLOSKEY. That's not the issue. The prisoners were indeed a separate issue, but the MIA's and the return of the remains is a matter that was not clearly made separate in the Paris agreement, was it?

Dr. SHIELDS. The question of the missing in action was made an issue for implementation by a very specific group of people, the Four Party Joint Military Team, whose only task was to discuss and implement that issue.

The Two Party Military Team, which was composed of representatives from Vietcong military forces and the South Vietnamese forces, were to get into these other questions, and that was the proper forum. That was not the group that was discussing the question of the missing in action. The South Vietnamese and the Vietcong discussed the problems of their missing in the Four Party Joint Military Team forum.

It was certainly very clear, and very clear to me, that the article was isolated, was given its own specific implementing body whose instructions were to do nothing but implement that article.

Mr. McCLOSKEY. One last question. Dr. Shields, when you make that statement to this select committee, may I ask if you have seen the Aldridge memorandum, the legal counsel of the State Department, that discusses what is in the Paris agreement other than in terms of the published agreement? Have you seen the Aldridge memorandum?

Dr. SHIELDS. I am not sure whether I have or not. I would have to look into that.

I do know, Congressman McCloskey, from the wording of the cease-fire document itself, that a special implementing body whose charter was to talk about nothing but the accounting of the missing was established. They were not to get involved in the questions that occupied the Two Party Military Team, and the fact that the members who were representing the Two Party Military Team discussed their accounting problems in the Four Party Military Team—apart from the other items, other agenda items in the Two Party Talks—indicates to me that the intent was to isolate this question. It was not to become distorted through questions of military presence or military support or

cease-fire violations. This was very carefully done so that this question would not be thrown in with all these other issues.

Mr. McCLOSKEY. Mr. Chairman, if I could raise one point. In our efforts to get Dr. Kissinger to come before this select committee, and our questions to Dr. Kissinger, I think it would be helpful if every member of the select committee could look at the Aldridge memo.

I have had the privilege of examining it under the condition that no copies be made, or that it not be discussed. It is a memo from the State Department's counsel to the Secretary, describing the other discussions and the informal agreements, or the understanding of the parties of those Paris agreements.

This is by no means, Dr. Shields, in contravention of what you have said, but, in preparation for our meeting with Dr. Kissinger, I think we all ought to look at that agreement, because this becomes the crucial point, whether or not the MIA's and the remains of the missing recovery is tied to anything else, like reparations.

The CHAIRMAN. Well, if you will get the memorandum to us.

Mr. McCLOSKEY. I don't have it. I was privileged to look at it last February when our eight-man delegation went to Vietnam, but it was presented for inspection only, and I think will be presented to each of us for inspection only, but without the privilege of making copies.

Mr. GONZALEZ. This is what I am saying. This is what we are going to experience with the question of the Middle East. Not the published agreement, but all the memorandums and side agreements that we are not told about. Yet the foreign press is very specific. I don't know where they got their notions, but right from the very early stages of the reporting of the Paris agreement, that was very clearly established.

Dr. SHIELDS. It was my understanding, and is my understanding today, that with regard to the missing, we did establish the Four Party Joint Military Team, as opposed to any other negotiating group, simply to discuss this issue and no other.

Mr. CHAIRMAN. Any other questions? Dr. Shields, this has certainly been most helpful to the select committee, and I'd also like to thank the select committee for staying, and coming back after each vote.

What we are trying to do, and that's the way we are going to solve this problem, is get as much information as we can from people like Dr. Shields, and I think he's been most helpful to be with us today.

Dr. Shields, will you keep us posted? I don't know whether you have authority, but unofficially, if you get ready to do something about the remains, we would like to know of these matters, not after they happen or after they come out in the press. I think we are entitled to be informed.

Mr. OTTINGER. Mr. Chairman, I think we ought to be advised currently of any efforts that are going to be made by the Defense Department with respect to the matters in which we have jurisdiction. We ought to have that request in.

The CHAIRMAN. Of course, some of these departments act in mysterious ways. I learn up here every day, just like you do.

Mr. OTTINGER. We shouldn't be in a position of being told we didn't ask.

The CHAIRMAN. The meeting is adjourned. At the next meeting, we'll try to get Dr. Kissinger.

[Whereupon, at 5 p.m., the select committee meeting was adjourned.]

MISSING PERSONS IN SOUTHEAST ASIA

THURSDAY, OCTOBER 9, 1975

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON MISSING
PERSONS IN SOUTHEAST ASIA,
Washington, D.C.

The select committee met, pursuant to notice, at 3:20 p.m., room 122, Capitol Building, Hon. Gillespie V. Montgomery (chairman of the select committee) presiding.

Also Present: Representatives Montgomery, Gonzalez, Moakley, Schroeder, Ottinger, Harkin, Lloyd, McCloskey, Gilman, and Guyer.

The CHAIRMAN. The committee will be in order.

Other members will be coming in, too. We will have members in and out. The House will probably be in session until 6 tonight. As you know, we go out today on a 10-day recess.

Our witnesses today are officers from the National League of Families. As I call your names, I wish you would hold your hand up.

Mr. E. C. "Bus" Mills,¹ who is chairman of the board of the National League; Mr. George Brooks,² from New York, who is the legislative chairman, and Col. Earl Hopper,³ who I believe will be the lead-off witness, who is the executive director of the national league.

The National League has executive directors who serve for 1 year and then they rotate from year to year. I believe I am correct in that.

Mr. MILLS. Yes.

The CHAIRMAN. I would like to thank the league for helping in the strong push you gave to give this committee birth; you had a lot to do with it, your organization across the Nation did a great deal of work in setting up this select committee.

We know we have a tough job. We are off the ground. We are working now. We are very pleased to have you three gentlemen and others from the national league to be here today. Who will be the lead-off?

Mr. HOPPER. I will.

The CHAIRMAN. You can either summarize or make your full statement, and then members will want to ask questions.

¹ Biographical data of Mr. E. C. Mills appears on p. 123.

² Biographical data of Mr. George Brooks appears on p. 123.

³ For biographical sketch of Col. Earl Hopper, see p. 123.

STATEMENT OF E. C. "BUS" MILLS, CHAIRMAN, BOARD OF DIRECTORS, NATIONAL LEAGUE OF FAMILIES; EARL P. HOPPER, SR., COLONEL U.S. ARMY (RETIRED), EXECUTIVE DIRECTOR; AND GEORGE L. BROOKS, VICE CHAIRMAN OF THE BOARD, AND LEGISLATIVE CHAIRMAN

Mr. HOPPER. Mr. Chairman, I will make a statement and then Mr. Mills will leave a written statement¹ in an area that we consider particularly important.

Mr. Brooks is available to answer any questions and become involved in any discussion that arises.

I would like to take this opportunity to thank you, Mr. Chairman, for the work you have done to bring this committee to fruition. Certainly our appreciation goes to each member of the select committee for devoting their time and effort to this issue and serving on this committee with you.

I would also like to thank you for this opportunity to appear today to speak to you.

My portion will be some background on the league to give you an idea about how the league came into being, and what we are trying to do now.

The National League of Families of American Prisoners and Missing in Southeast Asia was incorporated with its headquarters in the District of Columbia on May 28, 1970. Membership in the league is confined to the wives, parents, children, and other close relatives of U.S. servicemen and civilians who are prisoners or missing in Southeast Asia, as well as returned Vietnam prisoners-of-war. It is a nonprofit, nonpartisan organization, and is financed by contributions from the families themselves, or by donations from concerned citizens and organizations.

The league had its origin on the west coast in the late 1960's. At that time the wife of a ranking Navy POW, believing the policy of the U.S. Government to keep a low profile on the U.S. prisoner-of-war issue was not justified, and the encouragement given to the families of these men to not discuss the problem publicly was wrong, initiated the operation of a loosely organized movement which then terminated in the organization of the National League of Families.

Over a period of many months during the 1966-67 timeframe, operating out of kitchens and living rooms, families were becoming aware of the existence of one another and started contacting each other and exchanging information on individual cases, thereby drawing themselves closer into a group.

It was determined by this small group of less than 50 families that it was not in the best interest of the men and the families also to remain quiet and to keep the POW-MIA issue from the American public and from the news media.

In October of 1968, the first story was released by these families and was published. Soon, as a result of that publicity, the group started communicating with each other; it grew in strength from 100 families to 200, to 300, and then the group kept growing.

¹ See p. 111.

As these developments were taking place, small POW-MIA family groups were beginning to arrange meetings in States throughout the country. Then in early 1969, a campaign was organized to have the families bombard the North Vietnamese delegation in Paris with telegraphic inquiries about the prisoners and the missing men. This was the first major activity organized in which hundreds of families became engaged.

Eventually it was recognized that the organization needed to be established on a more formalized basis. In May of 1970, a special ad hoc meeting of families was called in Washington, D.C., during the formal structure and by-laws of the organization were drafted. The National League headquarters opened on June 1, 1970. The league offices, both then and currently, are located in rent-free spaces which have been donated by interested organizations. The league office presently is located in the American Legion Building and will probably be moving from that space, however, by the 31st of January. The new location is not known.

In the league office there are only two salaried employees, who are nonfamily members, and one family member—the executive director—serves as a volunteer and is reimbursed for expenses only.

Presently the league has about 1,800 family members, but we are also blessed by a very large group of concerned citizens who actively support us and, in most cases, are as dedicated to this cause as are our family members.

A 15-member board of directors is elected yearly by the membership to discuss and plan league activities in its effort to achieve the fullest possible accounting of the POW's and MIA's, and the return of the remains of those who died.

The organization's chief officer is the executive director, who directs the league from its national headquarters. He takes his direction solely from the board of directors. In addition, there are five regional coordinators responsible for activities in multistate areas and a State coordinator in each of the 50 States. The 15-member board of directors, which include representatives from widely separated areas throughout the country, meet each month to discuss current projects and to plan new efforts.

Over the years, league delegations and representatives have traveled throughout the world, meeting with heads of foreign governments, foreign news media, and Red Cross leaders in various nations.

They have, for example, met with Indira Ghandi, the Pope, the Prime Minister of Sweden, the Acting Prime Minister of Norway, and many others, including leaders of some Asian Curtain countries.

They also have traveled to Laos, Cambodia, and South Vietnam, and have had meetings with officials of the United Nations, Members of the U.S. Congress, and officials of the U.S. State and Defense Departments.

As recently as July 22, a group of us met with President Ford at the White House.

Up to February 1973, members of the league's board of directors had met privately with Dr. Kissinger to receive up-to-date background briefings on what the Government was doing to resolve the POW-MIA issue.

Since January 1974, however, despite many invitations, Dr. Kissinger has turned down each invitation to meet with the board. At the time of its incorporation, the league stated its principal objective, among many others, was to obtain the release of all U.S. prisoners-of-war and a full accounting of all missing men at the earliest possible date, and to insure the remains of those who are dead are returned to this country.

That today remains our primary objective.

Since the signing of the Paris agreement and the return of nearly 600 prisoners in North and South Vietnam, the league has exerted its efforts toward the return of all remaining prisoners, an accounting of the missing, and repatriation of the remains.

Further, we have concentrated efforts toward stopping all unwarranted status changes of our men. We feel until the U.S. Government lives up to its legal and moral obligation to learn the fate of these men, declaring them dead without substantial proof is not justified and is a violation of the individual rights of that prisoner or missing man. Living or dead, we want our men brought home.

Mr. Chairman, that concludes my statement.

The CHAIRMAN. Thank you for that very strong statement. Why do we not go ahead and hear Mr. Mills?

Mr. MILLS. Yes.

The CHAIRMAN. What would you like to do?

Mr. MILLS. I would like to comment on this paper I will leave with you, although not verbatim. You have it here, it is more or less for your record.

The CHAIRMAN. Do you have an official statement?

Mr. MILLS. Yes. I believe you have copies of it.

The CHAIRMAN. Without objection then, you want this put in the record?¹

Mr. MILLS. Yes.

The CHAIRMAN. OK. You can make your own remarks now.

Mr. MILLS. Very well. I, too, would like to add my appreciation as chairman of the board and for the membership for this opportunity. We look forward to working with you. I think you have each received a letter from me pledging our full cooperation.

With Colonel Hopper being here as the chief executive officer of our league, he would be the one that would be the liaison, of course, working primarily with this committee. Of course, any of us would be happy to meet at any time or help in any way.

We would hope that the select committee would have hearings in various parts of the country. Thereby, it would give our membership a greater opportunity to be present at hearings and also to present testimony if they wish to do this or if the staff would feel, of course, this would be warranted.

We have some specific cases, discrepancies that we would like to give you an opportunity to hear. We will give you more specifics on that. Just to name a few:

Martin from Florida, Varnado from Florida—I think many of you are familiar with that case—Harris from Texas, Sullivan from Texas, Sparks from Iowa, Dunn from Massachusetts; we can name several

others. I know there are at least three in California we would like very much for you to review—there are some in New York.

Mr. OTTINGER. If I may, what kind of cases are these? I saw them listed.

Mr. MILLS. They are what we call discrepancies. To give you one example, Mr. Sparks, a POW, wrote a letter from a South Vietnamese prison camp to his parents in Iowa, stating he was well and so forth, yet he did not come home, he was not on any POW list. The burden of proof should not be with those parents to prove that he is alive.

There are many other discrepancies that we would be happy to discuss with you, Congressman, at any time, and we would be happy for them to give their story to you. They perhaps could be able to come to Washington, but it would be a hardship for some.

If hearings can be held in the various areas, I think it would facilitate matters for them and perhaps for the committee. Is that sufficient?

Mr. OTTINGER. These are all cases, in other words, where you have evidence about these men that has not been confirmed by official channels?

Mr. MILLS. That is correct.

In fact, I would say that the remaining 36 POW's that the Defense Department carries as POW's, they did not put them on there unless they pretty well determined they were at one time POW's, yet they did not return home. So each of the 36, I would say, would be a discrepancy that we would hope you would look into. We will furnish you, if you would like, information regarding these, where they live, and so forth.

Now, going down through here, of course the Paris peace accords, there they did bring some of our POW's home. Of course I do not want to get personal here, but we know nothing more about our son today than we did when he was first declared missing 9 years ago. We hope the select committee will delve into this, all the ramifications of the Paris agreements.

We know, or we have been told there are what we call direct efforts to obtain a complete accounting. We would like the select committee to look into this and see if there are any things that have not been brought into the open; in other words, if some commitments have been made secretly that we are not privy to. Investigate any of these undisclosed commitments or concessions that might have been made.

I do not want to amplify too much, but it seems a little strange to us, for example, that at the time of the December bombing when Russian ships were in Haiphong Harbor, and one was hit, that Russia did not raise more of a hue and a cry at that time. I do not know, but it just seems to us that there are some things that bear looking into, maybe undisclosed commitments that might have been made by the United States.

Then we are told, of course, there are some current direct efforts being made. That we are in touch, for example, with the new governments in Southeast Asia. We are not privy to these. I do not mean that we can be privy to all things. We know some things have to be done in secret negotiations, but we would, of course, hope that the committee would look into that.

¹ See p. 111.

Then third-country efforts, we would like to know what has been done through third countries and obtain a complete set of documents or correspondence pertaining to what those countries might have done—both prior to and following the signing of the Paris peace accords specifically including anything that is going on at the present time.

Involving third-country interests, what questions have been asked, what responses have been received? The league has not had any communication as to what is going on. In addition to the four signatories to the Paris accords, we had guarantors. A guarantor means to me if you got my note, I have to make good on that note and pay it off, or perhaps the guarantor has to for me or see it is done.

We would like to know what the guarantors of the peace accords have done; if they have not done anything, why not?

What communication has our Government had with Russia, England, France, and all the guarantors. We have been in touch with some of them but did not get satisfaction. Perhaps this committee could get satisfaction out of them.

We have been told that President Ford in his meeting in Vladivostok with General Secretary Brezhnev brought up the POW issue. We would like to know in that way, as a main concern, as a high priority or just in passing, that is, "by the way, we have some of these people still unaccounted for over there, Mr. Brezhnev, we would like your help." We would like to know that it went further than that, we trust it did; we would like to know.

The same thing with Dr. Kissinger, when he went to Peking, that he also discussed this. I know Senator Mansfield did, because I specifically asked and received the information that he did, and he reported back what was done in that connection. So we would hope that the Select Committee could look into that.

Also, we want to know why have negotiations never been officially undertaken by the United States for those men unaccounted for in Laos, Cambodia, and China?

I think, reading the Laotian protocols, you will not find U.S. prisoners, and missing, are even mentioned. It does mention an exchange of POW's, but not the United States. So we would like for you to delve into this extensively.

Then why have the remains of those men that are listed as having died in captivity not been returned?

We know when the 23 bodies of Americans were returned there was one left because they said, this was not a part of the overall agreement. We know there is one man left in Hanoi graveyard there. We know in the Kennedy exchange of letters, they mentioned three men having died. Why have they not been returned?

All of us know the bodies of two marines were left behind when Saigon fell. Why have they not been returned? We know there have to be many other bodies that have not been recovered that they know of; therefore, we have to get some negotiations going. Then just at the end of the war, we know, and I have a list of these, the ones that were captured at Ban Me Thout, in March of 1975. What has been the result of any negotiations there? At least they have not come home. It looks like at least we could get something going in that regard.

Then we would like the select committee to delve into what information the CIA might have. I will not go into details there. We would like to know about what the CIA has, and also the Defense Intelligence, over on part 2, request testimony from the appropriate DIA officials and all information pertaining to the POW-MIA situation, especially including the classified materials.

It seems to me it has been long enough that these would be declassified at the present time.

Then obtain testimony from the directors of the various service intelligence operations, all the documents, and so forth, then the debriefing reports from the POW's who returned home. This next one we feel is most important to us, and what we would be planning to do in the future as a League of Families.

It is our understanding that this committee has assurance from the Department of Defense that they plan to continue the present policy regarding status reviews, pending the findings of this committee.

In light of this, to what extent does this committee plan to delve into status change procedures? You know, of course, we have legislation before the Armed Services Committee, the Wilson-Bennett bill and others. We have a mandate from our family members that we push for hearings on the Wilson-Bennett bill, and all the others, for that matter.

We would like to know of this committee how much you plan to delve into the status change procedure?

If a man has been carried as POW or MIA for a period of several years based upon the information available, how can a finding of death be made based on the fact that "No new information has surfaced to indicate the man is living, so he must be presumed to be dead?"

How can a "lapse of time" be a factor in changing the status of a man, supposedly according to exist law, when no time is specified in the wording of the law?

Why should the primary next of kin have the right to determine when, or if, a man's status review should be held when such a review is supposed to be based on new or additional information, or when the evidence warrants a review?

The rights of the family may be protected in this instance, but what then happens to the rights of the POW or MIA—also an American citizen?

Then under existing law, quite a bit has been said and heard about the section 402 of the Trade Reform Act. That was the Jackson amendment relative to emigration of Jews from Soviet territory, but very little has been said about section 403, which is every bit a part of the law as is the Jackson amendment and the trade bill of last year.

This section 403 states that the President may withhold most-favored-nation treatment for any country that has not assisted us in getting an accounting. When it came up for discussion, Romania was granted favored-nation treatment.

I do not recall anything actually being questioned as to what Romania had done to assist in getting the accounting. We are not particularly pleased with that, but we would be more displeased if, for example, Russia should come up for consideration or China should come up for consideration.

We would like Congress, this committee, to ask specifically, What has Russia done, and I think that would be a pretty short report, because I do not think they have done much to help us getting the accounting.

Reconstruction aid was promised in the Paris peace accords—this provision has been brought to the attention of each family member who has traveled to far corners of the world to speak directly to the North Vietnamese and the Provisional Revolutionary Government of South Vietnam. With the latest obvious attempt to open discussions on the aid provision of the accords, article 21, the North Vietnamese seem to be offering to negotiate on the provisions included in article 8b, if not 8a. Why have no high-level negotiations been initiated? At least we can talk. We have not seen any initiation there of starting to talk.

Next one: Why has the United States continued to provide monetary assistance to the United Nations, which funnels money directly to the Communists in Southeast Asia, without demanding that first the humanitarian objectives of the United Nations be adhered to? That has happened.

Next: Why is there such reluctance on the part of the State Department to use the POW-MIA situation in exchange for trade agreements beneficial to the Soviet Union and the People's Republic of China when these countries need our technology, wheat, aircraft, and other forms of assistance?

Cannot our "friends" who supported the North Vietnamese and her allies throughout the long war in Vietnam, Laos, and Cambodia use their influence by insisting upon cooperation from their allies in Southeast Asia before providing food, ammunition, supplies, etcetera?

I then show the discrepancy information:

We would like to obtain the files, including the classified, of all men listed as POW at the time of the Paris peace accords who were not repatriated or accounted for. I have an up-to-date list of all of those.

Obtain status review hearing files on those men listed as POW whose statuses have been changed to PFD—what was the basis upon which the change was made?

Obtain complete files on MIA cases wherein families claim information has been withheld, to include classified intelligence reports, documents, and communications pertaining to the individual's case.

Then the last one, I think we have all thought about this—logical thinking suggests to us that among the returned POW's there should have been some amputees, severe mental cases, and badly disabled prisoners. Why were none returned? It seems inconceivable there would not have been some of them. This concludes the formal statement.

I would like to mention this: As of August 31, 1975, the U.S. Government lists 903 Americans as unaccounted for. The figures are broken down in the following manner—now we take exception to "unaccounted for," because we feel all those that have had a presumptive finding of death are still unaccounted for—but this is the nomenclature:

Department of Defense says there are 758 missing in action due to hostile action, military, 69 missing in action, due to nonhostile action; they are military also, and they still carry 36 POW's military for a total of 863 in the military classification as POW's or MIA's.

Department of State has 30 missing civilians, and 10 captured civilians, for a total of 40. This makes a total then of 903.

There have been 509 status changes made since April of 1973. Of this number, 155 were actual reports of death, the remaining 354 are presumptive findings of death. It is a great number. We would like to have this committee look into it.

The CHAIRMAN. Thank you, Mr. Mills.

Mr. MILLS. Thank you.

The CHAIRMAN. I would like to say Mr. George Brooks has left at each member's table a letter from him personally and from his wife.

I might tell the members I know we are limited on time today, but we would like to have an executive session.

I have asked Mr. Harkin to give a confidential report to the select committee, and also, I would like to discuss our hiring of a staff director.

The only other thing I would say is, I would thank the gentlemen for being here today and say that I can see our committee looking into certain cases; I think where we know the man was on the ground, he was alive and did not come out with the prisoners who came out in 1973, we would want to investigate these cases.

The staff would have a problem trying to review all 2,500 cases. I am sure you gentlemen understand it would be an impossibility with a staff of six.

Dr. Shields, in effect, told us that he had no objections for the select committee itself to look at classified documents, and they were every day trying to declassify more of the papers that they have pertaining to the military personnel about whom we are talking.

The select committee will look into it and we will see if they have any information that has not been given the families and, in effect, the committee will decide itself what should be done on it. But as of now, I do not think we will have any problem with that. We hope we will not. We think we can clear that matter up.

Mr. Gonzalez?

Mr. GONZALEZ. Thank you, Mr. Chairman. I join you and wish to thank the gentleman and the ladies who have contacted us in this regard, and to thank them for the work they have done. I think it is a very important work, it cannot be minimized.

I, for one, wish to reassure that it is at least the intention of this Member to pursue every single possible avenue in behalf of the families and the missing themselves. I think it is a question of national honor, if nothing else.

There is only one question I wanted to ask, and that is with respect to your item 2, in which you mention where the members of the League have gone directly to the Communist representatives or agencies, that they have been told about this committee. Do you have anything further than this? Do you have any specific documentation in which they allude to the agreement of reparation or reconstruction?

Mr. MILLS. Yes; we do.

there. I have attended all the meetings in the White House with Dr. Kissinger. We were very active up to the time of the release of the men. There have only been two meetings with him since that time.

All the meetings were, of course, off the record. I do recall him saying he would never meet with that man again—speaking about Le Duc Tho—because they had been extremely bitter negotiations that they have gone through. Every time that Dr. Kissinger suggested something, of course Le Duc Tho was quite obstinate and would suggest something else. He had just come out of a very bitter confrontation with that man.

I question right now that when our chief negotiator has said that he would never meet their negotiator again, where do we go from here? This has to be resolved. It may be why there have been no negotiations up to that time.

I am honored to be here and to meet with you Congressmen, finally, after the long period of time. We have worked millions of hours, we have raised and spent millions of dollars to try to get this situation resolved.

I have been to Laos myself, I have met with Pathet Lao officials, Russian officials, and different people. But the accounting has to be gotten from our people in this country. These are the people who promised these men would be accounted for.

I have a statement here—Dr. Kissinger's press release on January 24, 1973—when he told the country in no uncertain terms, the return of American personnel and the accounting of missing in action is unconditional and will take place within the same timeframe as the American withdrawal. That is one of the substantial promises that we have.

As far as I am concerned, it is still on the record and there has been no excuse why it has not been. When they make promises to us like that, they should know at this time, after having gone through negotiations on Korea, that it would not be easy. They should not have thought they would just ask the North Vietnamese to account for the men and that would be all there would be to it.

We have a multitude of promises. We have been looking for a long time someplace to cash them in. We hope this committee is the place to cash them in.

The CHAIRMAN. Thank you, Mr. Brooks.

Mrs. Schroeder?

Mrs. SCHROEDER. I want to thank you all for coming. I think Mr. Brooks has hit the nail on the head, the issue of locked doors. The question is whether this committee can open some doors. Then we can really begin. We thank you for your time.

Mr. Brooks. Thank you.

The CHAIRMAN. Mr. Ottinger?

Mr. OTTINGER. I, too, want to express my feeling and appreciation for both the anguish that you have been through and the efforts that you have made to try to get answers to these difficult questions.

Apparently you, Mr. Brooks, and I am sure others, have made contact with the North Vietnamese, the Laotians, and the Cambodians to try to get some answers. I'd like to ask whether in any of these contacts there were any clues that were given as to how we might best proceed

to get an affirmative response from them. Were there any responses resulting from the contacts made by the individual families? Does that prove to be a useful route?

Mr. BROOKS. No, they have never admitted to holding anyone, which is what we would like to have had from them.

The Pathet Lao official I met with—I had to deal with an interpreter, so there is a lot of slippage there—did allow if any men were held in the hill country, in areas which he himself was not able to visit in a longer period of time, that those men would be accorded treatment in whatever the natives had to offer them. That was about the closest we could get to that.

I do think an accounting certainly is possible. We were told it is. I think it is, because we have something they want. It is going to be a trade-off proposition. When they said they would give us information on our men, if we gave them reparations, we called that blackmail. But I have with me here a letter that a mother was notified by the Air Force that her son was missing for 6 years in Southeast Asia. Then she was notified that he was missing in Laos. They sent her a map showing where he was missing in Laos.

As a result of that she went with me to Laos. She raised in the neighborhood of \$2,000 to make the trip to Laos to try to get some information on her son. Not too long ago she was notified that, no, he was not missing in Laos, he was missing in North Vietnam.

And they gave some locations. From my looking at the map, it showed that these locations and the two witnesses, who supposedly saw this accident of this other plane where he was supposed to be, these two witnesses apparently, in my estimation, were standing about 60 miles apart.

So I said to her, "I think you should send to the Air Force, asking them for a map showing you the new location in North Vietnam."

This letter here is the closest thing that I have seen to an obscene letter. They will send her the information on where her son went down if she will send them \$14.25. That is the kind of treatment that we have gotten since the men were released. It has been a down, down, down thing, even including when we went to a national family meeting in Omaha, Nebr., a year ago last July.

Our office in the American Legion Building had been equipped with Watts lines because we were cooperating with the Government and they were using the POW's as an issue, and so forth. Fine. We worked with them and they worked with us.

When we came back from Omaha, we found out that the telephones had been removed from our office. We have not been able to find out since that time who removed them and why. This is incredible, a block and a half away from the White House.

They could have come in on one Friday and said, "We have orders to take these phones out." They did not do that. They came in while we were out of town, removed the phones. We have been unable to find out who took them out or why they were taken out.

Mr. OTTINGER. How many of the families were over—maybe you can supply the information for us—which had contacts with Communists in any of these affected countries? Who did they have contacts with; what information did they get?

Mr. BROOKS. Normally they tried to get to talk to whoever is in attendance at the North Vietnamese Embassy, first or second secretary, and so forth. They leave statements which, I suppose, are forwarded on to Hanoi. There is very little response.

Mr. OTTINGER. Could you assemble as much of that information as you can for us, the actual contacts that were made, the dates, what reply was received?

Mr. BROOKS. There have been so many of them.

My wife has been to Paris, Austria, and so forth, every family has.

Mr. GILMAN. Will you yield?

I thank the gentleman for yielding.

I believe there were two major efforts you may wish to touch on; the Paris trip that your group took, and the trip to Laos. How many were present on those trips and when did they occur?

Mr. BROOKS. I came back and told Congressman Gilman how tough it was over there. I guess he doubted me because he then went to Laos himself to find out.

Mr. GILMAN. Would you mention when those two trips took place and how many of your people there were?

Mr. BROOKS. Fifty-three members went to Laos in October of 1973.

Mr. GILMAN. That was Vientiane, you met with the North Vietnamese?

Mr. BROOKS. Right. Because, according to the agreements at that time, the information was supposed to be released at the time we were there about all men who had been captured. Unfortunately, it did not happen.

Mr. GILMAN. And then did you go to Paris?

Mr. BROOKS. There have been many trips to Paris.

Mr. MILLS. The last trip was in November of 1974, when I believe five went over there. four or five.

Mr. GILMAN. And they spoke with the North Vietnamese?

Mr. MILLS. Do Than, I believe he was first secretary of the Embassy.

I have someone here with us who went, if just momentarily, she could say what he said.

Mrs. GRIFFITHS. I have a complete report. Basically, they said "Give us the reasons why." They even refused to discuss the POW-MIA issue or article 8a or 8b, briefly, the support of two governments of South Vietnam, continue the military presence in South Vietnam, flights over their countries unauthorized by their governments.

I can give you a complete written report, but briefly, that is what it was. They specifically mentioned they would not discuss the information relative to the men missing or prisoners until we would first discuss with them article 21. They absolutely refused to admit there were any North Vietnamese outside of the boundaries of North Vietnam.

I will furnish a complete written report.¹

Mr. GONZALEZ. But there was an implication that they did have information which they would be willing to trade provided there was discussion on other things?

Mrs. GRIFFITHS. They did not admit actually, to having prisoners alive in North Vietnam. However, they did not mention Laos, Cam-

bodia, or South Vietnam. They said they were not presently holding any Americans in North Vietnam. They did not deny having any information. They simply said they would not discuss it until they had article 21 agreed to. That was, briefly, it.

The CHAIRMAN. Mr. Ottinger?

Mr. OTTINGER. If there is any pertinent information along these lines that would be helpful to us, we would appreciate receiving it.

Mr. HOPPER. Congressman, the latest contact that I know of was made within the past 45 days, I believe, by a returned prisoner of war, Larry Stark, who, on a trip to Russia, visited the North Vietnamese Embassy in Moscow and had something like an hour and a half conversation with the first or second secretary of the Embassy.

I believe Larry would be a very good man to call before the committee and let him tell his story personally and, to my knowledge, it is the latest contact that I know of.

The CHAIRMAN. Thank you.

Mr. Harkin?

Mr. HARKIN. Thank you, Mr. Chairman. I do not have a lot of questions. I do want to join my colleagues and thank you for taking your time not only today, but over the years to keep this alive and not let the American people forget about it.

I, like you, do not have perhaps as close a contact with MIA's, but having been a Navy pilot who flew over there, I had a former roommate of mine who was a POW for years, though he did come back, and a former classmate of mine who is still listed as MIA. So I, too, have a great deal of interest.

I am just astounded by this letter, Mr. Chairman, that asks for \$14.25. That is just incredible. This has a date of September 11, 1975, but he refers to a request of May 17.

I hope you would convey our feelings to its author, Mr. Silverbush.

The CHAIRMAN. If we can get a copy of that letter—do you have a copy of that letter for our committee files? We will get one made.

Mr. BROOKS. Is that a copy? I guess it must be.

Mr. HARKIN. I think it is.

Mr. BROOKS. I can get another one.

Mr. HARKIN. I have no questions.

Mr. BROOKS. It is only an indication. Mr. Chairman, of what has happened after all the promises that they were going to do this, that, and the other thing. We know that people get killed in war. It's a risky business. I had a very good friend of mine killed right alongside of me while I was talking to him so I know people get killed in war. We are not coming here claiming that these men are all alive, not by any stretch of the imagination, but there is a great possibility that some of them are alive, and we still insist that regardless, having served this country, they should be returned to this country. We know what DOD sends out. I don't want to put down DOD, but I am getting a little bit disillusioned with them.

They send this to the Congressmen. "Oh, yes, these people are some of the finest people we have ever met, but by the same token we have done everything we possibly could. We have been able to get back 23 men home Hanoi claimed died in captivity."

¹ See p. 118.

They neglected to tell you that there were 53 men Hanoi claimed died in captivity. They are not telling you that they haven't been successful in getting the rest of the remains back. If they can't get the remains back of the men that Hanoi claims died in captivity, yes, we have the bodies; if our Government can't get back the bodies that Hanoi claims that they have, we are never going to get started on the accounting of the missing men.

The CHAIRMAN. Mr. Brooks, we are working on that. We know of three bodies in Hanoi, and we know of the two marines. The committee has done some work in that area.

Mr. HARKIN. I have one followup question on what the chairman just said. I just wondered had your committee been in touch with Dr. Kissinger regarding the recent offer of the three bodies by the North Vietnamese?

Mr. MILLS. Yes; we have been in touch through our liaison, Frank Sieverts, in the State Department. This is our contact.

Mr. BROOKS. To follow up, we have a statement here by General Ogan, who was speaking to family representatives as an official representative of the Department of Defense. He says among other things, "We know these 53 men arrived in the DRV alive and we have proof of it."

They haven't come back, and I would like to know. Some of the status of these men has now been changed to the presumptive finding of death. They were not released nor on the captivity list. They have proof that these 53 men arrived alive in North Vietnam. Now they want to tell you they have no evidence that the men are still alive. When did they die?

The CHAIRMAN. Mr. Mills.

Mr. MILLS. We know that you have an executive session you want to go into, and we certainly want to show that we appreciate very much being permitted to come here and discuss this with you. I would mention here Dr. Jeffrey Donahue, who has made numerous trips to Laos—he, his wife, and family. He was the most recent board member who went over there.

Mr. Chairman, could I get just a feeling for us? We have a board meeting this weekend, and it is very important to us if we could have one of these questions referred to here that I mentioned as to what depth you think you might delve into the status change procedure.

The CHAIRMAN. I think it would be very premature until we get our staff aboard, but generally you stated correctly what Dr. Shields told us that unless the family requested a review on a certain person, that they were not going to make status changes until this committee came back with a report. That is as well as we can pin it down, Mr. Mills.

Mr. MILLS. One reason for asking that, as I mentioned in my statement, we have a mandate to try to get hearings before the Nedzi subcommittee, and I know that they are holding this up pending some of the discussion here. We would want to know how far to press, because we have been told by our family members to press for those hearings.

The CHAIRMAN. Of course we can't control that, but I would think Mr. Nedzi is not going to do anything until this committee's report is written.

Mr. MILLS. Until it is written?

The CHAIRMAN. That is correct.

Mr. GONZALEZ. Mr. Chairman, I wonder if we could get in writing the assurances given to us by Mr. Shields. What would be wrong in doing that, making sure?

The CHAIRMAN. I think what he is talking about is the legislation that is pending before the House Armed Services.

Mr. GONZALEZ. But what I am saying is that in the interim, to make sure. We have been given verbal assurances that as long as this committee is in being, that change in status and so forth will be maintained status quo. Why not get this assurance in our hands?

Could we make that request? If so, I would be delighted to put it in the form of a motion, that we formally request this of the DOD.

Mr. GILMAN. I would second that motion, Mr. Chairman, if it would not be inappropriate to make that request.

Mr. OTTINGER. I just wonder about the necessity of it. We already have it, don't we?

The CHAIRMAN. I wonder if we could get it from him in writing or whether he might back off and not do it.

Mr. GILMAN. It's a good way to find out.

Mr. GONZALEZ. In my experience as a Congressman I have always learned to have them put it in writing. It's always best. You have a point of reference. We can, in the meanwhile, be assured that while we are doing whatever it is that we are able to do, that there is some kind of assurance being given that there won't be any untoward action in this respect. I could be wrong, but I don't see any harm. Mr. Shields can say "I can" or "I can't."

Mr. BROOKS. The problem with that, Mr. Chairman, is the fact that they say that they are not going to put something in writing which is contrary to the law. They said if according to article 555 and 556 of the code they have to review the cases on some sort of a regular basis, the code does not require that they change a man's status, but what I feel right now is that a request to the President to issue an Executive order to stop changing the status of these men until your committee has time to delve into the situation and find out about these men I think would be perfectly in order.

The CHAIRMAN. I think it is a major question that probably should be discussed in more time than we have this afternoon. I am a little afraid that Dr. Shields would come back and say that there is court action now and "We can't put anything in writing other than what I have told the committee in informal hearing." I would like to discuss it further. I would hate for the committee to be committed at this time on that subject, but as chairman, I will assure you that I will give you the opportunity to make the motion and discuss it further at our next meeting.

Mr. GONZALEZ. In view of that I will withdraw my motion.

Mr. GILMAN. No objection.

The CHAIRMAN. I appreciate that. I want to thank you gentlemen for being here. You have been most helpful. We will depend a great deal on your working with us, and we will work with you.

At this time we will go into executive session to hear a report from Mr. Harkin. I will ask our good staff friends and others to leave.

[Whereupon, at 4:20 p.m., committee proceeded into executive session.]

MISSING PERSONS IN SOUTHEAST ASIA

THURSDAY, OCTOBER 23, 1975

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON MISSING
PERSONS IN SOUTHEAST ASIA,
Washington, D.C.

The committee met, pursuant to notice, at 2:35 p.m., in room H-227, the Capitol, Hon. G. V. Montgomery (chairman of the committee) presiding.

Also present: Representatives Moakley, Schroeder, Ottinger, Harkin, McCloskey, Gilman, and Guyer. Members of the professional staff of the select committee, J. Angus MacDonald, staff director, and Jeanne Shirkey, administrative assistant.

The CHAIRMAN. The select committee will come to order.

I want to make a brief statement here pertaining to our meeting rooms, and maybe when we have more members present we will discuss the matter in greater depth.

I might say that our purpose today will be to receive testimony on an informal basis from representatives of the Christian and Missionary Alliance and Indochina Resource Center, and in a few minutes I will ask Congressman Gilman to introduce our witnesses.

Following this, we will have several housekeeping matters to discuss, as well as a prospective trip by the committee.

I would remind the members that today's meeting is being held pursuant to rule 2.11. Under this rule we are allowed to hold informal meetings at which attendance is restricted because of the limitation of space in the rooms available to us in the Capitol Building.

The purpose of holding this type of meeting is to accommodate the members from the standpoint of not taking them too far away from the House floor while we are in session.

I make note of this since there have been requests from committee members and others to allow spectators to attend these informal meetings. What it boils down to is whether we want to have the convenience of meeting in the Capitol or making other arrangements on a formal basis in the Cannon Building, where we can handle as many people as we would like.

I would welcome the members' thoughts after we have more in attendance. Quite frankly, I like this procedure and suggest that we have smaller numbers of staff members attend and maybe keep down other groups.

I would still like to have Secretary Kissinger testify at our first formal hearing.

I would like to introduce our new staff director, Mr. Angus MacDonald. He will get around to meeting the members individually.

We have hired Miss Jeanne Shirkey as administrative assistant. She worked at the International Affairs Committee before coming with us. She has a sincere concern for the missing in action and for this program, and the challenge that we have in this committee.

At this time I ask the member of the committee, Mr. Gilman, to introduce our first witness.

Mr. GILMAN. Thank you, Mr. Chairman.

It is a pleasure to have with us today a representative of the Christian and Missionary Alliance, T. Grady Mangham, Jr.,¹ director of Southeast Asia, Middle East, and Europe for the Christian and Missionary Alliance.

Their main office is in my congressional district. They have offices in Nyack, N.Y. This group has been extremely active in Southeast Asia and has had a number of their representatives in that part of the world.

We have received today a wire release on our desk that indicates some of their people may be released within the next few days. They have been captured for a number of months now. They have lost some people who were killed while in captivity, and I think there is a great deal of information that Mr. Mangham can give to this committee.

It is with a great deal of pleasure that I welcome you here today, Mr. Mangham.

STATEMENT OF T. GRADY MANGHAM, DIRECTOR, CHRISTIAN AND MISSIONARY ALLIANCE

Mr. MANGHAM. Thank you, Congressman and Mr. Chairman. Shall I proceed?

The CHAIRMAN. Yes, sir. If you have a formal statement, we will be glad to put it in the record, and you can make a shorter presentation, or however you would desire.

Mr. MANGHAM. Well, I have collected my thoughts so that I can get them succinctly before you.

As has been indicated, Christian and Missionary Alliance has been involved in Southeast Asia since 1911. On three occasions, we have had personnel serving with the Christian and Missionary Alliance in Vietnam, who have either been captured or killed. Among the varied programs that our organization has carried on in Vietnam has been a leprosarium in Ban Me Thout, where approximately, before 1962, there were 300 domiciliary patients, and about 900 were under treatment at various clinic points.

On May 30, 1962, the leprosarium was raided by a group of armed men, later to be identified as the Vietcong, and three members of our staff were abducted from the leprosarium at that time: Dr. Ardel Vietti, Rev. Archie Mitchell, and Mr. Dan Gerber. They were taken forcibly in one of our vehicles, along with some medication and other things that were taken at that time.

We have made many efforts since 1962 to get information regarding these people and to establish contact with them, but have not ever had any direct communication from them.

In 1968, at the time of the Tet offensive, Ban Me Thuot was again a target for the Vietcong attack, which began there on January 30. Six of our people were killed at that time in the fighting that ensued: Miss Carolyn Griswold; Mr. Leon Griswold, her father, who was a retired businessman and had gone out at his own expense to serve with us there; Rev. and Mrs. Edward Thompson; Miss Wilting; and Rev. N. R. Ziemer. Mrs. Ziemer miraculously escaped. She had 17 wounds on her body at the time, but she lived through the ordeal.

At the same time, Miss Betty Olsen, a nurse serving with our leprosarium program, and Mr. Henry Blood of the Wycliffe Bible Translators, not our organization but closely related, along with a U.S. AID official, Mr. Mike Binge, were taken captive.

Mr. Binge later was released at the time when the large number of U.S. prisoners were released by Hanoi. He gave the details of the death of Miss Olsen and Mr. Blood from malnutrition and disease along the trail. Their bodies have never been recovered.

In March of 1975, of this year, Ban Me Thuot again came under attack. We had five people living there at the time, and before they could get out of the city, they were captured. They were for 2 days actually taking refuge at the U.S. AID official's residence, Mr. Paul Struharik, and after that time all contact was lost with them.

These five people were named in the wire that I saw just before coming here: Dr. and Mrs. Phillips; Mr. and Mrs. Norman Johnson, who are Canadian citizens; and Mrs. Betty Mitchell, who is the wife of Archie Mitchell, who was captured back in 1962. Since that date, we have had no communications from these people, though we have tried through every imaginable channel to establish contact with them.

There were two letters came out from a Mr. Jay Scarborough, dated May 10 and 11, addressed to his parents. I have talked with his parents on the phone. They say they have never received the originals of those letters, though they received copies. In those letters Mr. Scarborough mentions by name the people connected with our organization who were detained in the same place as Mr. Scarborough.

This in brief gives the details, or at least the high points, of people that we have been concerned with.

The CHAIRMAN. Mr. Gilman?

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Mangham, how long did you serve in Vietnam?

Mr. MANGHAM. I was there for 20 years, from 1947 to 1967.

Mr. GILMAN. During this period of time that you served, and during the subsequent period when you have been back here in the East and have been in charge as director of the Southeast Asia Territory, have you had any information about any other prisoners besides the prisoners that were captured and who were employed or working for the Christian and Missionary Alliance?

Mr. MANGHAM. I mentioned Mr. Mike Binge, who was with our people. Of course we have tried to get all information we could from any returning prisoners regarding the people related to us. But we have had no contact with people who have actually been held by the North Vietnamese or the Provisional Revolutionary Government forces, no contact whatever with them.

Mr. GILMAN. And who is this Jay Scarborough that you referred to?

Mr. MANGHAM. He was a young man who happened to be in Ban Me

¹ Biographical sketch of T. Grady Mangham appears on p. 123.

Thuot on a research project, funded by the Ford Foundation. He, too, I suppose, took refuge with the U.S. AID official, Mr. Struharik, and later landed with the group who were detained there.

Mr. GILMAN. As far as you know, he is still in captivity?

Mr. MANGHAM. Yes, sir.

Mr. GILMAN. And he mentions the Phillipses, Johnsons, and Mrs. Mitchell in his correspondence?

Mr. MANGHAM. Yes; he did.

Mr. GILMAN. Had you ever visited any of the prisoners while in Vietnam?

Mr. MANGHAM. No. I visited the area where they were reportedly held, but many years before the time of their detention.

Mr. GILMAN. You have not had an opportunity then to talk with any of your people who have been held in captivity at any time?

Mr. MANGHAM. No; because the two who were with Mr. Binge and who might have been released at the time of the other prisoner releases, died on the trail. So we have had no contact with them.

Mr. GILMAN. The wire story that we have before us today indicates that some of your people will be released. Have you received any word directly from the Vietnamese or from any agency with regard to this release?

Mr. MANGHAM. No. Our office has been in contact with the State Department, of course, and also with the External Affairs Office of the Canadian Government, because two of those who were related to our organization are Canadian citizens. The External Affairs Office did receive a cabled report. I understand it was through their Embassy in Peking, that Mr. and Mrs. Johnson were indeed—they were named as among those who were to be released.

Mr. GILMAN. And that information came through the Peking office?

Mr. MANGHAM. I understand so, yes.

Mr. GILMAN. You said you had made requests for the release of your people. Where did you direct your requests?

Mr. MANGHAM. Well, previously, for those who were held since 1962, we have directed many requests to the International Red Cross, to the Hanoi Government, through written appeals to them, working through third country representations with the government in Hanoi; appeals—

Mr. OTTINGER. What are the countries, if we could have that? The more information we can get, we would appreciate.

Mr. MANGHAM. We have had contact with the Canadian Government, with Australia, with Indonesia. We also, prior to 1965, and up until the time of the change of government—actually, up until 1969—through contacts in Cambodia, we were making efforts to establish contacts with these people.

Mr. GILMAN. Have you had any direct contact with the North Vietnamese or Viet Cong?

Mr. MANGHAM. Well, in March of this year, immediately after the attack of Ban Me Thuot, I went to Saigon with the vice president of the overseas ministry of our organization, Dr. Louis King. During our stay there, the U.S. Embassy arranged for us to meet the military representatives of the PRG who were stationed at Tan Son Nhut Air Base. We had approximately one half-hour interview, discussion, interchange with the representative of the PRG military.

Mr. GILMAN. What was the date of that meeting?

Mr. MANGHAM. I should have come prepared for that exact date, but it would have been on March—

Mr. GILMAN. Of this year?

Mr. MANGHAM. Yes. Just a moment, please. March 27.

Mr. GILMAN. Of 1975?

Mr. MANGHAM. Right.

Mr. GILMAN. And what was the response that you received?

Mr. MANGHAM. Well, he stated that, first of all, this was not a question to be settled by military people but, rather, at the diplomatic level through contacts between two governments.

Second, that these people were not captured, that they simply happened to be in the wrong place when the residents of Ban Me Thuot rose up against the regime and that if they indeed were in Ban Me Thuot, as was alleged they were, that he assured us they would be protected and they would be provided for and would be permitted to go wherever they desired to go after a reasonable time. This was his response to us at that time.

Mr. GILMAN. At any time did they acknowledge that these people were being held?

Mr. MANGHAM. No. We have also had contact more recently in France, our representative in France, Mr. Donald Dirks, requested and was granted a meeting with the representative of the PRG government there. This was early in June this year. He presented all of the documentation regarding these people and a letter requesting the assistance of the Ambassador in securing release and any information regarding them.

The Ambassador was very cordial. He promised to try to secure information and provide it if he were able to get it. He said he had no knowledge of these people, that is, of their actual state. He had received, he said, many communications from U.S. Congressmen, State Department officials, and individual citizens, who had written to him about these people, but he said he had no information about where they were or their situation, but he would endeavor to get it.

We have never heard anything further from him. When he came here to New York seeking admission to the United Nations on behalf of his government—

Mr. GILMAN. Within the past few weeks?

Mr. MANGHAM. Yes. I contacted him or members of his party by telephone and also wrote a letter to them, again requesting their assistance, and when I spoke to them on the phone, they were again very cordial. They did not have time to meet me personally at that time, but they said they would seek to get information and that if they did receive any, they would give it to me, but we heard no further from them.

Mr. GILMAN. Thank you, Mr. Mangham. Mr. Chairman, thank you.

The CHAIRMAN. Thank you. Mr. Moakley?

Mr. MOAKLEY. No questions. I would simply like to commend this witness and thank him for joining us today.

The CHAIRMAN. Mr. Ottinger?

Mr. OTTINGER. No questions.

The CHAIRMAN. Mrs. Schroeder?

Mrs. SCHROEDER. No questions.

The CHAIRMAN. I have a couple of questions. First, let me thank you for being here today, and thank you for the work you have done for the Vietnamese through your missionary work; it certainly has been worthwhile. I have been privileged to go to South Vietnam nine times, and am familiar with the work of your group and have met many of the persons in that field on my trips over there.

Actually, let's pray to God that the PRG and Hanoi will release these people. Am I correct that among the persons to be released are the only members of your organization to be detained since the Government of South Vietnam fell? As far as this committee is concerned, you will not have any other people over there unaccounted for since March of 1975; is that correct?

Mr. MANGHAM. That is right. There are the five who were with our organization at the time, and of course the three from 1962, we do not know the probability of their still being alive, but one still carries hope, of course.

The CHAIRMAN. Then you have three still missing since 1962 as the result of hostile action?

Mr. MANGHAM. Yes.

The CHAIRMAN. What did you tell Mr. Gilman about them? You did not recover the bodies? What happened to them?

Mr. MANGHAM. Those three, we have no report of their deaths, we do not know anything about what has actually happened to them. In 1968, two were taken in 1968 at the time of the Tet offensive; they are dead; we know they are dead.

The CHAIRMAN. Their bodies have not been recovered?

Mr. MANGHAM. No.

The CHAIRMAN. For the record, we will need the names of the two dead not recovered in 1968 and the three in 1962. You have five in all, two that have not been recovered?

Mr. MANGHAM. Three in 1962, five more recently in March of this year. In 1962, the three people who were taken captive and still unaccounted for, Dr. Ardel Vietti, Rev. Archie Mitchell, and Mr. Daniel Gerber; from 1968 the two people who were captured but later died while in captivity, Miss Betty Olsen and Mr. Henry Blood, who was not actually with our organization but very closely associated with us. In March 1975, five additional people, who were taken into captivity at that point, are missing.

The CHAIRMAN. I think we have a great chance of getting these five back.

Mr. MANGHAM. Yes, we certainly believe so.

The CHAIRMAN. They made the release, they have given the names?

Mr. MANGHAM. Yes. We have been very happy the last couple of days.

The CHAIRMAN. You have not heard from any of these five, only indirectly, is that correct?

Mr. MANGHAM. That is true.

The CHAIRMAN. Through Mr. Scarborough, did you know whether they were under house arrest or confined, or what was the situation?

Mr. MANGHAM. His letter stated that they were in a detention camp at a point 230 miles north of Saigon at the district capital of Le Thanh, and that they were there with several thousand Vietnamese—South

Vietnamese who were detained as well. It was in a prisoner-of-war camp.

The CHAIRMAN. They were in a—

Mr. MANGHAM. Political prisoner camp; yes, sir.

The CHAIRMAN. Any other questions? Mr. McCloskey? Mr. Guyer?

Mr. GUYER. I am sorry I missed the testimony. We are looking forward to talking with you because of the experience you have had, because you are so knowledgeable. We are trying to catch up with what we may have missed.

The CHAIRMAN. We thank you very much for coming down from New York. I certainly hope that this will stay on track and that these five will be released in the next week or two.

Mr. MANGHAM. Thank you.

The CHAIRMAN. Our committee is available. We have been working in this area of the civilians who were not accounted for after March 1975.

The House of Representatives gave us this responsibility; we accepted it. We are not saying that we were the leaders in bringing about some of this information we have gathered, but we were in on part of it, in that it was in our resolution. We know that the Vietnamese read the Congressional Record. We have had contracts with the United Nations. Some of our members have had contacts with the Government of South Vietnam and have brought up these subjects. So we certainly will look forward to the latter part of October or first of November when these people will be home. We thank you very much for coming.

Mr. GILMAN. Just one other question. Do you still have offices in Vietnam?

Mr. MANGHAM. No, sir.

The CHAIRMAN. Would you plan on opening offices back up if they would permit it?

Mr. MANGHAM. If they would permit us to do so, we would, yes.

The CHAIRMAN. You would go back into South Vietnam?

Mr. MANGHAM. Yes; we would.

The CHAIRMAN. What did you do there besides missionary work?

Mr. MANGHAM. We had several orphanages, three hospitals, including a leprosarium that cared for many, many people afflicted with leprosy. We were associated with the church there that had many schools throughout the country as well.

The CHAIRMAN. Thank you very much.

Mr. MANGHAM. On behalf of our organization, I thank your committee for what you are doing and for your interest and concern about not only our people, but all of those who were detained. We have a concern for all of the Americans who are there, and foreigners, and I do thank you for the opportunity to appear.

Mr. GUYER. Could I ask have they replaced your Christian activity over there now; has it been a closed door?

Mr. MANGHAM. As far as involvement by foreigners is concerned, yes. Now we received a report 2 weeks ago from the gentleman—an American—who had left Vietnam just the day before. He had chosen to stay there at the time that the Communist regime was installed. He stayed there until he was expelled from the country. He reported that as far as the activities of the churches are concerned, they are continuing. So we are grateful for that.

Mr. GUYER. Yes. They have been relatively favorable to Protestant and Catholic groups there, or has there been restrictions before this happened?

Mr. MANGHAM. Prior to this?

Mr. GUYER. Yes.

Mr. MANGHAM. Absolute freedom, yes.

Mr. GUYER. Thank you.

The CHAIRMAN. Before we call your next witness, since we have such a fine attendance, we might pass out the proposed itinerary for the Thanksgiving recess. There is the possibility that the committee might go to Paris, Geneva, and to Southeast Asia. It is only a proposal. Mr. Macdonald, why do you not explain this briefly?

Mr. MACDONALD. We consider this itinerary really a strawman because it might have to be massaged as we go along. The focus is on those areas into which the committee can go, and in which we can make the arrangements. It would require a flight to Paris. After briefings with the Embassy staff, then we would contact certain French officials who have had ongoing experience concerning their own POW-MIA's since 1954 and earlier; learning from them what we can about the difficulties they faced in this context and what measures they have used in order to achieve whatever success they have in this area.

Hopefully, the DRV and PRG would acquiesce to meeting with the committee and discussing, substantively perhaps, the issues with which the committee is charged.

It also reflects a trip to Geneva which would probably involve a subcommittee of the committee rather than the entire committee itself. This timing, of course, must be flexible, depending upon the reaction we get from the other end. It would be intended there that those representatives who did go along to Geneva would meet with our own U.S. officials, with the U.N. High Commissioner for Refugees, who has been instrumental in any of the ongoing activities; and also meeting with the International Red Cross officials there to learn what we can from them and perhaps enlist further efforts on behalf of the American people by the Red Cross.

Then it envisions a trip to Bangkok from which operations at the JCRC would be undertaken for familiarization of the committee, a matter with which the committee has been charged, as a matter of fact; hopefully moving into Vientiane and conducting discussions with the other side's officials there, meeting with the Lao officials; returning ultimately to Bangkok, then through Hong Kong, so that we could receive a briefing by the consul general, who has been involved in quite a few of the repatriation activities, and then subsequent return to Washington.

This of course is a strawman, depending to a degree on the reception we receive from the other side and whatever comments the committee itself would like to make.

The CHAIRMAN. I think probably after we hear Mr. Porter, we might go into executive session. I have something else I would like to take up with the committee briefly.

Our next witness will be Mr. Gareth Porter.¹ Mr. Porter is the director of the Indochina Resource Center. Mr. Porter has been most

helpful to the committee, has met with the committee staff, and has met with individual Members and has made suggestions to the chairman in the form of a letter.

We are very glad to have Mr. Porter appear today before the select committee.

STATEMENT OF GARETH PORTER, DIRECTOR, INDOCHINA RESOURCE CENTER

Mr. PORTER. Thank you very much, Mr. Chairman. First of all, let me say I appreciate the opportunity to appear before you.

The CHAIRMAN. You might have to talk a little louder. This is our first experience in this room. We have some people in the rear who would be interested in what you say.

Mr. PORTER. Right. I appreciate very much the opportunity to appear before you today and to present what I think are some considerations which it is important for the committee to take into account before making any more decisions as to the direction that it will take, any contacts with the Vietnamese, either directly or indirectly, or any other public gesture by the committee.

First of all, let me say a few words about the problem of the committee's jurisdiction and general role.

Mr. OTTINGER. If I may, I think it would be well if you gave just a little of your own background to be able to speak on these matters before that.

Mr. PORTER. All right, good suggestion. First of all, I have been a specialist on Vietnamese politics since 1968 when I entered the Cornell University Southeast Asia program. I have specialized primarily in Vietnamese-Communist affairs. I have done a good deal of research in Vietnam throughout 1971, for my doctoral dissertation and on previous occasions during 1968 for 2½ months.

Then I took an 18-day trip to North Vietnam in December of 1974, and January of 1975, along with David Marr, the person who began the Indochina Resource Center in 1971 and is, I think it is fair to say, the first real American historian on 20th century Vietnam; and Frances Fitzgerald, the Pulitzer Prize-winning author of "Fire in the Lake," a book about Americans in Vietnam.

In April of this year, I also was part of a delegation of Americans, including Congressman Ned Pattison of New York, who went to Paris to speak not only with the delegation of the PRG in Paris, but also to the various other parties and groups who had an interest in the peace settlement in Vietnam.

On that occasion we spent most of 1 day talking with Ambassador Thi and his delegation on problems of the peace settlement and of American-Vietnam relations. I have attempted during these years to give a most balanced and objective account of the Vietnamese-Communist policy and American policy in Vietnam.

I have been, I think it is no secret, strongly opposed to American involvement in that war from the beginning. I felt it was not only unwise, but also that we had no legitimate right to intervene in the war. However, I have not felt that this was in any way a bar to my playing a role as a scholar in this regard.

¹ For biographical data of Mr. Gareth Porter see p. 124.

I would like to suggest that this committee has a very important role to play, if it is willing to take action which would be courageous and bold, under the circumstances, given the situation regarding the executive branch's past and present policy toward Vietnam.

The first point that I want to make is that this problem of missing in action in Vietnam is essentially a diplomatic problem. It is not a problem of misunderstanding between the Vietnamese and the United States regarding what needs to be done regarding the MIA's; it is not a problem of any particular technical difficulties or communications difficulties; it is essentially a problem of political decision by the two Governments involved, or the three Governments involved; that is, the Democratic Republic of Vietnam, that is North Vietnam, the Provisional Revolutionary Government of South Vietnam, and the United States.

The Vietnamese have, on both DRV and PRG sides, made it clear that they are aware of their obligation under the Paris agreement to carry out article 8(b) regarding full accounting of missing in action as well as facilitating the repatriation of the dead from Vietnam.

There is no controversy on the specific techniques of doing this, to my knowledge. In fact, the Vietnamese recently said publicly that they are willing to permit American search teams to go to both North and South Vietnam to make whatever searches are necessary for repatriation of remains. This was in an article, quoted in an article by Donald Kirk in the Chicago Tribune, Wednesday, August 6, 1975. I will be glad to give you that article for the record.¹

This was a quotation—not a quotation, but a statement made by both Ambassador Nguyen Van Luu of the DRV and Ambassador Dinh Ba Thi of the PRG in New York at the United Nations.

Essentially, this is a problem involving bilateral U.S. relations with the DRV and with the PRG, in which there is a refusal by the United States to take any actions which are regarded by the Vietnamese Governments as necessary in order to have reciprocal implementation of these provisions of the Paris agreement, which they consider to be still effective.

I will try to explain that problem in a little more detail later on. But let me begin by trying to fill in a little of the diplomatic history of the MIA issue and the way in which it became linked with another provision of the Paris agreement; that is article 21, which pledges reconstruction aid, postwar reconstruction aid for both parts of Vietnam.

The MIA issue, as you may have already been told by officials of the Department of Defense and the Department of State, became part of the Paris agreement in article 8(b), which was part of an article, that is article 8, which included two other provisions.

The first part of this three-part article, provision 8(a) had to do with the repatriation of prisoners of war. Article 8(b) had to do with the missing in action and the steps to be taken to furnish full information and provide for the repatriation of remains, and article provision 8(c) had to do with the return or exchange of civilians who were captured during the conflict for whatever reason.

The DRV and PRG took the position in negotiations within the Four-Party Joint Military Commission and then in the Four-Party

Joint Military Team that the implementation of provision 8b, having to do with the facilitation of information on missing in action as well as repatriation, that this article was linked in terms of implementation both to the other two articles of—the provisions of article 8, that is the exchange of civilian prisoners and the exchange of prisoners of war and, further, that this article 8 was linked as a whole to the implementation of the rest of the agreement.

This has been the main diplomatic problem during the war, that is that the Communist governments, both North and South, took the position that the implementation of this particular provision, which the United States, of course, was most urgently interested in, had to be implemented only as the rest of the agreement was implemented, as well.

Let me say that this position taken by the two Communist governments on this issue strikes most Americans as inhumane because we consider the implementation of missing-in-action provision as a humanitarian problem, which in fact it is. However, I think it is important for us to understand that from the Vietnamese point of view there are other provisions of the Paris agreement which are equally humanitarian in their implications, including, first of all, during the conflict itself the problem of civilian prisoners captured during the war and held by the Saigon Government in various prisons and jails around South Vietnam.

I think it is a well-documented fact that this article of the agreement was not carried out completely by the Thieu government, that there were certainly tens of thousands, I do not think there is any necessity to come to an agreement on the total number of prisoners involved here, but there were tens of thousands of civilians captured by the Saigon Government that remained in jail throughout the duration of the war, were not freed until, in fact, a couple of days before Saigon was taken over by the Communists.

So this is an example of the kind of humanitarian problem which they considered as equal in value to the problem of missing in action. Of course, they also were concerned about the political and military provisions of the agreement. Contrary to the view that I know has been taken by the U.S. Government, I think there is adequate evidence that both the DRV and PRG felt from the beginning of this that they did have an interest in a political solution to the problem rather than a military solution, and the final outcome of this conflict, I would argue, and I make this case in great detail and with a great deal of documentation in a book which is to be published in January by Indiana University Press on the Paris Agreement, entitled "A Peace Denied"; I think that it is arguable that they felt that it was in their interest to have a political solution, and that their expectation was that there was at least a chance for some kind of political negotiated settlement rather than a military solution to the conflict, and they did, in fact, offer terms which in retrospect, I think most people would agree, would have been much more favorable to us than the final outcome of the war.

They did use the missing-in-action provision of the agreement as a political lever to try to obtain American and South Vietnamese concessions on other provisions of the agreement in which they were primarily interested.

¹ See p. 113.

I should add that this is not a position which was unique in the negotiations on the implementation of the Paris Agreement, because it is very clear that the United States took precisely the same approach in its implementation of the agreement, particularly—and I want to emphasize the importance of this—on article 21 of the agreement, and that is that article pertaining to the American pledge of postwar reconstruction assistance to both North and South Vietnam.

In fact, the article itself states that the United States pledges to provide to heal the wounds of war and provide postwar assistance to all of Indochina, including Laos and Cambodia as well. The United States, from the beginning of the negotiations on the implementation of the agreement took the position that they would not complete any arrangements for postwar assistance to Vietnam until the agreement was implemented to the satisfaction of the United States.

In other words, the United States was using article 21 precisely in the same way that the other side used article 8(b), as a lever to try to get concessions from the other part of the negotiating process on those parts of the agreement that they were most concerned about.

For example, on January 24, 1973, Henry Kissinger said in a news conference:

We will discuss the issue of economic reconstruction for all Indochina, including North Vietnam, only after the signing of the agreements and after the implementation is well advanced.

There was in fact in February of 1973 set up in Paris a Joint Economic Commission, made up of three members from the United States and three members from North Vietnam, which had the mission of deciding on the basis of postwar economic relations between the United States and Vietnam.

However, despite the fact that this Commission made very rapid progress in coming to an agreement on the technical problem and the modalities of U.S. postwar aid to Vietnam, the United States made the decision that it would not sign any such agreement for postwar aid until the North Vietnamese made certain specific political concessions under the agreement.

Now, the most important concession the United States demanded in this regard was that the North Vietnamese press their Cambodian allies, the Cambodian revolutionary forces, to bring about a cease-fire in Cambodia.

You may recall at that time that the United States was quite concerned with the Lon Nol government, which was under very great military pressure and was in danger of being overrun in 1973. So that we used article 21 as a means of trying to press the Vietnamese to press their allies in Cambodia to bring about a cease-fire.

It should be pointed out here that there is nothing in the agreement which calls upon the Vietnamese to take any responsibility for the cease-fire in Cambodia. In fact, nothing in the Paris agreement calls for a cease-fire in Cambodia. That was an entirely separate issue.

So, in this case, the United States was trying to obtain a concession which really was not a part of the Paris agreement itself. There are other concessions which the United States demanded as well for signature of an agreement on postwar aid which need not, I think, be gone into in detail.

My major point here is simply that both sides tried to use the provision of the agreement in which the United States was most concerned, article 8(b) in the case of the United States, and article 21 in the case of the Vietnamese parties, to try to get concessions on those provisions it was most concerned with.

Now let me go to another point which I think is important for this committee to understand.

The CHAIRMAN. Mr. Porter, what you are bringing us is of great interest to the committee. Are our problems in terms of time?

Mr. PORTER. Yes.

The CHAIRMAN. Some members would like to ask you questions. If you could, summarize.

Mr. HARKIN. I also have a plane to catch this afternoon. I am greatly interested in what Mr. Porter has discussed. I am wondering, if we cannot finish today with Mr. Porter, whether we could have him back?

Mr. MOAKLEY. Or else could he submit it for the record. We could have a copy of his statement.

Mr. PORTER. What I did plan to do was to follow this up with a full statement that the committee could follow up on. I would be happy, if you think it is appropriate now, to have you just ask questions on what I have covered already.

Mr. HARKIN. Why not summarize?

Mr. PORTER. Let me try to cover a couple of points in summary form then.

The two points I think are most important are these:

First of all, there is a lot of confusion about the Vietnamese position right now of the terms under which they are ready to comply fully with article 8(b). There is a widespread notion that the Vietnamese position is that the United States must first give postwar reconstruction aid to North and South Vietnam, and only then would the Vietnamese comply with article 8(b); that is, give full information of the MIA's and facilitate the repatriation process.

This is simply not accurate. In fact, the Vietnamese position insists only on the principle of reciprocity between these two provisions of the Paris agreement.

As I understand it, and I emphasize here that this is based on a careful reading of all their statements, what they have said publicly and what they have said to some people in private—I have not explored this fully myself with them personally—but it is my understanding that their position is that if the United States were to commit itself, in principle, to providing some kind of postwar reconstruction assistance to North and South Vietnam, that they would be prepared to initiate the process of implementing article 8(b), and that it is even possible they would complete the implementation of that article before any specific aid began to flow to Vietnam.

What they are concerned about, however, and I think this is understandable, is that they do not want to be in a position of having complied with article 8(b) and then be left in the position of not having any satisfaction in terms of American compliance with article 21.

So that what this means, I think, is that there is a very simple way of resolving this impasse. That is for the United States to say: If you

are willing to commit yourself to carrying out article 8(b) and showing the full compliance with that article, we will commit ourselves in advance, to follow up with a program of postwar reconstruction assistance. So that there would be the agreement on the principle of reciprocity, at the same time we would not be in the position of being, I think the term is often used, "extorted by the Vietnamese".

That is to say, we would not have to fork the money over and only then have compliance with this article.

The second point is this question of leverage. It is said, I think in Congress, and in editorials, that the United States must exercise its leverage on the Vietnamese by withholding reconstruction aid now. I am sure you have all heard this said. A number of Congressmen have suggested, for example, that we withhold consideration of any request until the Vietnamese comply with article 8(b).

What is forgotten here, of course, is that it is impossible to use this withholding as leverage unless, at the same time, there is some indication that we are willing to provide the aid if indeed they do comply with article 8(b). So what is missing here is some tie between the two issues so that the Vietnamese do feel that they have something to lose if they continue to withhold this compliance.

Right now, I think it is clear that the U.S. Government has no leverage on the Vietnamese. There is simply nothing we can do or withhold from them which would have any impact on their thinking on this, until we made a decision we are ready to give them postwar reconstruction aid under the circumstances that they comply with the agreement.

I think that completes my summary.

The CHAIRMAN. Thank you. Mr. Moakley?

Mr. MOAKLEY. The point you hit on is what we talked about in prior sessions. I am wondering just exactly what the Americans did promise them, in return for what?

Although we feel the MIA is a humanitarian situation, they probably feel the reconstruction aid is also humanitarian. In light of your saying that you do not think anything is going to happen, what do you think would precipitate the wire service report that shows they are about to release some people?

Mr. PORTER. This gets into a related point which I have not covered so far. There should be no question in your mind that the Vietnamese on both sides, North and South Vietnam, are very eager to have close, friendly, mutually profitable relations with the United States. This is basic to an understanding of their foreign policy with regard to the United States.

Let me say the Vietnamese made it clear to us when we were in Hanoi, that they hoped very much there would be an opportunity for the United States and Vietnam to have friendly relations; they have said privately—this is not something they would say publicly—but they have said privately to correspondents in Hanoi—there is an article May 11 in Agence France Presse, quoting Vietnamese officials as saying privately that if the United States were to have an embassy in Vietnam, this would ease their problem of relations with the Soviet Union and China considerably, and that they are eager for the United States to play a role in allowing them to diversify their

international diplomatic and economic contacts and ties so that they can move into a position which is more comfortable and somewhat more distant, I should say, from both of their Socialist allies.

I think there is a good deal of evidence that the Vietnamese have a great deal to gain from this kind of relationship with the United States. What they are concerned about is that up to now the United States has not given any indication, any sign of any kind, that we are interested at all in this kind of relationship.

So I would say, in answer to your question, this is a gesture on their part hoping in some way to loosen up, free up the process here in the United States which is holding back any movement toward rapprochement between the United States and the two Vietnams.

The CHAIRMAN. You feel confident that the North and South Vietnamese will move ahead and will release these Americans?

Mr. PORTER. I am sure that they would, yes.

Mr. MOAKLEY. In view of the time frame, I would just as soon give the rest of the panel a chance to ask questions. I think our colleague on the end is probably chafing at the bit because of the plane he has to catch.

The CHAIRMAN. Mr. Harkin, if there is no objection.

Mr. HARKIN. Thank you, Mr. Chairman. I do have a plane to catch at 4:30. You say that the Vietnamese would implement all of 8(b) on the basis of a commitment by the United States for postwar reconstruction aid. Now it is a little bit different than my understanding in talking with Thi. It seemed that Thi, at least as I understood it, said they would implement 8(b) on the basis of a mutuality of progress on the implementation of 8(b) and 21, but that it could not—at least my impression was, I do not remember him saying it exactly—my impression was that they will not do anything on 8(b) until we had done something on 21, they had to both move together.

Mr. PORTER. I think that is the correct way of putting the principle they embraced.

Mr. HARKIN. You said all we had to do was make the commitment. I do not understand why they would go ahead on 8(b).

Mr. PORTER. I am glad you asked for clarification of that. I want to add something to that.

That is clearly, if the Vietnamese felt that Congress was not going to pass a request by the administration for postwar reconstruction aid, This would not be a sufficient commitment. In other words, there has to be, when I say a commitment, there has to be a promise which is effective from their point of view that there is going to be an aid program. That is to say that there has to be a request placed before Congress and that Congress—there has to be some indication from Congress then that there is a readiness to give this favorable consideration.

All I am saying is that from their point of view they have to be assured that there is going to be progress on this matter and not merely on the basis of an abstract promise that we will offer to Congress a program of reconstruction aid.

But what I am saying is it is still possible that we could have all of the MIA information in our hands and repatriation taken care of before any actual aid reached them. That is, the process would have begun and the agreement on the part of the administration and Con-

gress had been made clear for an aid program, at the same time that the progress was taking place on the MIA information. Does that clarify that?

Mr. HARKIN. I do not know if it does or not. It seems to me they are going to want a flow of aid at the same time there is a flow of repatriation of MIA's unaccounted for.

I do not know, it just seems to me they were saying that the commitment, or a promise, just was not that good because we have broken all our promises.

Mr. PORTER. Yes. In other words, it is not enough for us to say that we reaffirm article 21, but there has to be something beyond that, saying we intend to do this, and this, and this. That is why there were negotiations, as you recall, in 1973 between North Vietnam and the United States, which I referred to, and a Joint Economic Commission.

The problem was that the United States refused finally to sign the specific agreement which laid out the modalities of the aid program and the basic format and size of it.

Mr. HARKIN. If I can indulge the committee's time. You said in February 1973 a Joint Economic Committee was set up in Paris, three from the United States and three from the DRV, not from the PRG.

Mr. PORTER. That is right.

Mr. HARKIN. I think it would be good if this committee had some information on what happened. What was discussed? Would there be any indication from the basis of their negotiations as to any secret agreements or personal commitments that Kissinger may have made at that time? It may enlighten us if we had this information.

Mr. PORTER. You mean after the agreement or before it was signed?

Mr. HARKIN. Before it was signed. In other words, if they were negotiating in Paris on the basis of postwar reconstruction, on what basis were they negotiating?

Mr. PORTER. I think the answer to that is that once the agreement was signed, Henry Kissinger went to Hanoi in early February 1973. In that series of meetings that he held with the North Vietnamese officials, they came to an agreement and there was a joint communique issued on February 14, 1973, which stated that there would be established this Joint Commission. There is no evidence that I know of that that agreement was made before the Paris agreement itself was signed, but was something that was negotiated in Hanoi between the time of the signing and the beginning of the negotiations in Paris.

As far as I know, there was no further commitment on the part of the United States as to the nature of the aid that we would give. This was only to be decided in the negotiations.

Mr. HARKIN. How long did these six people meet in Paris? Do you have any idea?

Mr. PORTER. Yes. They met from March 15 until the time that the United States suspended its implementation of the Paris agreement in April, I believe it was April 19, 1973, when there was somewhat of a crisis, you will recall; there was some talk about bombing anew in Vietnam by President Nixon and other officials. Then it began again in June of 1973, after the June 13 communique between Le Duc Tho and Kissinger.

We agreed to go back to the negotiations. They continued to negotiate until July 1973. Essentially, it was about 2 months of negotiations.

I have talked to at least one member of the American delegation. He tells me that the negotiations went very smoothly, they arrived at virtually complete agreement on the nature of the American assistance, that the U.S. delegation agreed to formulate a series of options for Congress. The only problem was that the U.S. Government then refused to sign that agreement which had been negotiated.

Mr. HARKIN. One more, please, and this is totally unrelated.

I would hope that perhaps our staff could contact these three individuals, and I think it would be interesting to talk to them, either formally or informally; also find out what they talked about.

The CHAIRMAN. There is no problem on that. Do you have the names?

Mr. PORTER. Yes, I could give you the names.

The CHAIRMAN. Give them to Mr. MacDonald and we will work in that area.

Mr. HARKIN. Because of your knowledge of the Vietnamese, it has been brought out that because of the problem of accounting for MIA's, especially, I know myself, having been a pilot over there, that if a plane went in there would be perhaps unexploded ordnance, that type of thing in the wreckage site which would require trained personnel to go in there, to dearm that or obtain the remains, let's say, or identify the remains of the pilot who may have been in that plane.

In talking with Thi, I also know he stated to me very explicitly once that there was a lot of unexploded ordnance throughout Vietnam, and he said they either needed the personnel or something to take care of that, and did not have it, and they wanted it.

Do you feel they would ever allow trained Americans in there to do that type of work?

Mr. PORTER. Well, I cannot give any authoritative reply to that.

Mr. HARKIN. Just your feeling.

Mr. PORTER. I think it is instructive that in 1973 there was a very important American mine deactivation team in Haiphong, stationed there, the first American military presence in North Vietnam since 1954, except, of course, for the POW's. Their report is that, with the exception of those specific diplomatic issues, which, of course, there were differences of opinion over, they were able to fulfill their mission with a minimum of personal antagonism—and that certainly the Vietnamese were willing to have the military personnel there for specific purposes which they felt were in their interest.

So I do not see any matter of principle which would stand in the way of some kind of trained, even military, personnel accompanying a mission for this purpose.

I think the point that you raised about unexploded ordnance is a very important one, because this is in fact one of the reasons why reconstruction aid is such a very urgent, and I think deeply felt, issue for both North and South Vietnam.

They face a situation, particularly in those areas in central Vietnam where the bombing was heaviest, of unexploded ordnance of such magnitude that they are likely to have people dying from stepping on unexploded mines for centuries, literally centuries. You know there are still people dying in Germany and France from unexploded ordnance of World War II.

I would suggest that the situation in South Vietnam is far worse than anything we saw in Europe. So that it would be very, very meaningful for them if the United States made a gesture to provide any kind of technology which would help them in the problem of unexploded ordnance there. They do have some technology they are exploiting to the fullest. I know they claim that they exploded some 50,000 mines and other unexploded ordnance in a period of 1 month, in 1 province of South Vietnam. This gives you some impression of the magnitude of the problem. I think this is something that you might consider.

The CHAIRMAN. I think it would be well to follow up in that area. Mr. HARKIN. Thank you, Mr. Chairman.

Mr. GUYER. I am curious about one thing. Why is it that certain people—apparently such as yourself—have some special access to people that even Members of Congress do not have. We have been disheartened, and I think quite let down, a number of times when people who have constituted authorized missions have not been able to get through the wall of silence. I am not saying that it is a two-way street, but for example, we have continued monastic seclusions where you just cannot find anybody to talk to or cannot get a message through. Take, for example, the return of refugees. You have not been able to get a word from anybody that the ones on this level would be received when they got there. How is it that certain people can go back and say "We can say reliably they will do this"?

Mr. Gilman is on another subcommittee with me. We have heard Mr. Kissinger go through this section by section and have never been able to pinpoint any promise, by description or definition, that was ever made other than those generalized. It was a matter of intent, a matter of good will, but never did they say for so many dollars we will do this on such and such a day. It was just a generality, unless there is some secret commitment we do not know about.

Mr. PORTER. You are referring to article 21?

Mr. GUYER. That is right.

Mr. PORTER. I think it is right there was no specific agreement on the timing or the amount of aid. However, it is clearly a matter of abrogating this particular part of the agreement if the United States breaks off the talks, refuses to continue the negotiations, or to complete them, once they have gone as far as they did in terms of coming to a basic treatment on the modality.

Mr. GUYER. Take the matter of shooting down the inspection team. If there was such a great groundswell to want to do something about resolving this, why was there that hostility there?

Mr. PORTER. I pointed out there is no question that during the war the Vietnamese were reluctant to go any further than to say that "If you do this, this, this, and this, we will comply with article 8(b)."

There is just no question they were not going out of their way to be forthcoming on this issue. There is just no argument about that. But I think the problem is simply, now that the war is finished, that we look at the two remaining articles of the agreement which do have binding force both for the United States and for the Vietnamese parties.

By the way, international lawyers tell me that the argument can be made that the Paris agreement still is in force with regard to those

provisions; and we see that the major problem is simply to insure that both of those are carried out.

Mr. GUYER. One last comment. This committee would be entirely helpless; we have no policymaking authority, we could be making trips all over the places described, and if they do not talk to us as being representatives of people we represent, our only mission would be to come back and persuade Congress to give them aid, and that is the only fulfillment we could accomplish. Other than that, we are just spinning our wheels, if what you say is evidentiary.

Mr. PORTER. I understand that this committee cannot legislate an answer to the MIA problem, nor can Congress itself.

Mr. GUYER. Yes.

Mr. PORTER. However, I think it is very important that the committee understand the role it could play, that is, that given the fact that under the present circumstances the executive branch seems to have very little, if any, interest in this problem, in terms of the diplomatic aspects of it, in terms of coming to some kind of agreement with Vietnam, normalizing relations, beginning trade, establishing the same kind of relationship we have with the Chinese and Soviet Union, for example—I take back the Chinese, we have not recognized them yet—but we have already begun to trade with them.

Mr. GUYER. Then you are really saying it must be the top people who make the amicable agreements?

Mr. PORTER. That is right.

What this committee can do is to help elucidate the nature of this problem, lay out what can be done and what must be done, if there is to be a solution, and to persuade Congress that they must at least publicly urge the administration to go beyond its present position.

I think that would be a very positive step and one which could very well be decisive in terms of American policy in this area.

Mr. GUYER. Thank you.

The CHAIRMAN. Mr. McCloskey?

Mr. McCLOSKEY. Mr. Porter, I have just one request. I wonder if you could submit to this committee the suggested arguments, and the backup facts supporting those arguments, that we might make to Secretary Kissinger upon his return, to implement this course of action that you recommend? You are stating, if I understand it, that it is appropriate and possible, if we are to get the MIA accounting accomplished, for our State Department to take a new initiative in reopening the discussions that were going on until June of 1973 with respect to article 21, and to try to reinstate, in accordance with that, the provisions of article 8 of the Paris agreement.

I think the Secretary, who is in China now, will be back next week; I would like to have just a step-by-step argument as to what we can do, and should do, and the facts to support it. These are two new facts which I had not heard of until today.

I am surprised that the State Department did not apprise us of them in their prior testimony to us.

I have just one question—can you do it, incidentally? Can you submit a step-by-step agenda for our discussions with the Secretary.

Mr. PORTER. Surely.

Mr. McCLOSKEY. Second, with your knowledge and study of the situation in Cambodia, Laos, and Vietnam, do you know any facts

that might give us the basis for the belief that some of the MIA's, particularly those shot down and captured in Laos or Cambodia, may still be alive? Are there any inquiries we can pursue as to whether or not any of these people might still be alive?

Mr. PORTER. I have not made a study of this specific problem, but I have never heard of any evidence of any kind, and certainly no one who has visited North Vietnam or who has talked with the Vietnamese has received any kind of indication that there is anyone who is still alive that they are holding.

I think the evidence is all to the contrary, that they would regard it as not being in their interest to try to withhold any American, regardless of his past position, without making it perfectly clear why and for what reason.

Mr. GILMAN. Would the gentleman yield?

How would you justify that reasoning with what has happened in the last year, just with the missionary captives, where they were not giving any information out, and suddenly they are released?

Mr. PORTER. If I understand correctly, these were people who were captured only in March of 1975. Am I incorrect on that? I am not aware of any others.

Mr. GILMAN. All right, March to October.

Mr. PORTER. Right. I think the point there is that these were not people whom they were trying to hide, or pretending did not exist, but it was a matter of going through a very slow procedure from our point of view. Certainly one would have liked to have seen them move faster on it. But, as a matter of principle, they were not hiding the fact that these people were captive and were concealing it.

The CHAIRMAN. What other information could they give us on the MIA's, Mr. Porter, and repatriation of the remains, or what happened to these Americans, if you say they are dead in North Vietnam.

Mr. PORTER. My understanding is that the Vietnamese, particularly in North Vietnam during the early months of the implementation of the agreement, did undertake a nationwide survey for any information relating to American personnel, people who had seen crashes, or saw Americans alive, or anything at any time. They did compile this information and had that information.

Second, that they did, of course, care for the graves of a number of American servicemen during the conflict. It is my understanding, on the basis of at least one American who went to North Vietnam and saw some graves, that they went to the trouble of marking these graves with Vietnamese names, rather than with American names, in order to assure that local Vietnamese who may have had very strong feelings about them would not desecrate the graves, or in any way disturb them. So we do have graves which have been cared for throughout the conflict which would be ready for exhumation and repatriation at this time.

By the way, there are photographs of these graves which have been sent to the DOD and are available there, if you are interested in following up on that.

The CHAIRMAN. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. You mentioned an article that appeared in Chicago in August of this year. I had not seen that

article, but am I correct that you are saying the Vietnamese are prepared to allow U.S. investigation teams to go in now and search?

Mr. PORTER. No. Under the arrangement in which there would be a reciprocal implement of the two articles; that is the context in which this was set.

Mr. GILMAN. Of course, we had similar arrangements back in 1973, I think it was, when our search teams went in and were ambushed.

Mr. PORTER. I would simply point out that at that point the war was ongoing, there was not a cease-fire, there were questions of who controlled the area which were unresolved. I am not defending in any way the killing of the search team, but simply point out those conditions no longer exist now.

The CHAIRMAN. You mean the end of the war in April of 1975?

Mr. PORTER. That is right. I think that kind of condition no longer clearly exists now, you would expect under these circumstances that there would be no danger to American search teams.

Mr. GILMAN. Through your work are you in touch with the Vietnamese at the present time?

Mr. PORTER. Let me say since the end of the war, I have had only two very brief conversations with Ambassador Thi, one in New York at a reception, and the other when he visited Washington very briefly. I have not had an opportunity to discuss at length these problems with them. We do try to receive any publications and documents that they have available and to keep in touch in that way, but I have not had an opportunity to have personal contact of any substantive nature since the end of the war.

Mr. GILMAN. Is any of your organization at work in Vietnam?

Mr. PORTER. No.

The CHAIRMAN. Mrs. Schroeder?

Mrs. SCHROEDER. I want to thank you very much for coming. Do you have any ideas as to what we might do with Laos and Cambodia? Or is that rather outside your area?

Mr. PORTER. I think I could say something about both of those countries. First of all, as far as Cambodia is concerned, I think the practical fact is that the chances of any contact with the Government are minimal. This is partly because of the attitude the United States has taken towards the Government, but to be perfectly honest, it is mostly because the Cambodian Government is simply not, at this point, in a position to carry on diplomatic contacts with the rest of the world.

Now it is conceivable, I would not want to say that I could give you any assurance on this, but it is conceivable that a representative in Paris would talk to the committee. I must add that the representatives in Paris in the past have not been in direct contact with the Government except when there is a delegation which visits them.

There is simply not the direct communication between Cambodia and the rest of the world at this point to facilitate that kind of arrangement. I do not think they could speak with any authority on this problem.

Prince Sihanouk, when he was in New York, said within 2 years it would be possible for Western newsmen to come to Cambodia, and for the beginning of diplomatic contacts with countries generally

outside their very close contacts in Asia. Right now they have only South Vietnam, North Vietnam, China, and North Korea, and I believe Algeria. The Soviet Union is not represented in Cambodia and will not be for another couple of years—so the chances for any meaningful talks on this are very poor at this point.

Laos, on the other hand, I think should be relatively easier at this point because we still maintain an Embassy there, and there is not the complete disruption of diplomatic relations. So that, in theory at least, other things being equal, I cannot see anything more than that; it should be possible to have some sort of contact with the Laotians.

Mr. OTTINGER. In your opinion, can the North Vietnamese speak for the Laotians and Cambodians on this question?

Mr. PORTER. They certainly cannot speak in any way for the Cambodians. This should be perfectly clear. They are not only entirely and totally independent from the Vietnamese, but fiercely so. So any suggestions that we might deal with the Vietnamese on their behalf would be met with great outrage by the Cambodians.

By the way, the U.S. Government tried to do that with total lack of success during the war.

In the case of the Laotians, there is much closer relationship between the Vietnamese and the Laotian Communists.

I would not think that the Vietnamese could speak for the Laotians. On the other hand, as you may recall, at one point at least, the North Vietnamese did take responsibility for U.S. prisoners in Laos, and as I understand it, there was, in fact, a process in which prisoners came from Laos to North Vietnam. I did not follow that very closely, but it is my understanding at least, you might check into this, that those prisoners who had been taken in Laos had been moved to Vietnam. If you are interested in the Laotian Government's position on this, I think you probably will have to deal with the Laotian Government.

Mrs. SCHROEDER. Congressman Guyer asked a question before he left, which I believe you did not answer. The question was, why will they talk to you and they will not talk to certain Members of Congress?

Mr. PORTER. I meant to answer that; I did not have a chance. First of all, I do not think it is true that they would talk to me, and would not talk to Members of Congress. I have no special credentials to speak with the Vietnamese, except for the fact that I have not been overtly hostile to them, and have been interested in Vietnam for a long period of time, and was able to travel in 1972 and meet some of the Vietnamese officials in Hanoi, including Pham Van Dong, for a 2-hour conversation. But that point is simply a matter of having made personal contacts, and being more easily able to call them and say, could I come to see you, which we have not been able to do, primarily because they have been so busy with U.N. business.

I think more important is the point that the Vietnamese have apparently told others, not myself, but have told others, that they feel that the mandate of this committee, as drawn presently, so narrowly, indicates that this committee is not departing at all from the basic U.S. position, which is, we want you to give us this information to facilitate this repatriation process, but we are not interested in talking about reconstruction.

The CHAIRMAN. I would like to make one point clear.

As far as the select committee is concerned, we are completely independent of the administration—the President and the Secretary of State.

I certainly hope that the record will show this is a totally independent committee. Our scope might be narrow, but we are good listeners, and we feel like we are heading in the right direction to accomplish our charter.

Mr. PORTER. I understand that very well. I would say that the problem is, the Vietnamese from their perspective may not see it the same way. They may feel, rightly or wrongly, that unless this committee expresses in some public way a position on this basic fundamental problem which must be dealt with, in one way or another, unless it makes a public statement or gesture which departs from the official position, then I think it is almost inevitable that the Vietnamese are going to perceive this committee as in some way being an extension of this policy, not necessarily of the executive branch itself.

Mr. McCLOSKEY. Will you yield? The alternative to that will be if the Secretary of State announced a change in position consistent with what you are suggesting.

Mr. PORTER. That, of course, would accomplish the same mission, I think much more effectively, if he would be able to do that.

Mr. McCLOSKEY. Does that not pose the major question before us: How do we move the Secretary into taking that position? If he does not, then it puts us in the position of perhaps having to pursue it.

Mr. MOAKLEY. If he took that position, we probably could disband this committee the day after.

Mr. PORTER. I think that is essentially correct in terms of the major problem we are viewing.

One more thing: Again the Vietnamese in New York have expressed the view, to others than myself, that, given their present view of this committee, until there is evidence to the contrary, they feel it would not be in their interest to talk to the committee as such, although they are not opposed, this is also important, to talking to individual Members of Congress who come to them in a spirit of friendliness, and without a preconceived notion about this problem. I think that is a concrete operational problem which the committee has.

The CHAIRMAN. Is it best for individual Members? We want to accomplish the mission. We do not have any pride in big committees or little committees. We just would like to get the job done that we have been assigned by the House of Representatives. Would individual Members have a possibility of going to Hanoi, going to Saigon?

Mr. PORTER. That, I just do not know. I think it depends in part on what this committee does do, in terms of some sort of public gesture, to indicate that it does accept this fundamental principle of reciprocity with regard to those remaining provisions of the Paris agreement. It is just my guess that it is unlikely that this committee, or even a subcommittee thereof, could travel to Vietnam under the present political circumstances. That is my impression.

The CHAIRMAN. Mr. Ottinger? He was one of those who suggested we invite you here today. He has been most helpful to the committee.

Mr. Ottinger?

Mr. OTTINGER. I want to express my warm appreciation to you for being of such help to me personally, and to the committee, giving us your advice on what might be done and what the background of the situation is, in order to make progress on the missing-in-action question.

I do not want to take undue time, but I would like, if I could, to put in the memorandum of October 18 from Mr. Porter to myself and to Mrs. Schroeder and Mr. Harkin in the record.¹

Just to explore this, from what you understand, I take it, from third parties, there is a good prospect of the Vietnamese meeting with individual Congressmen who are willing to talk about the whole range of problems between the North Vietnamese, South Vietnamese, and ourselves?

Mr. PORTER. That is my understanding, yes.

Mr. OTTINGER. How do you think that contact is best made?

I wrote a letter to the Premier of North Vietnam, which I also would like to put in the record, requesting such a meeting.²

Is that the best vehicle? Should we wait for an answer to that? Do you think it is profitable to contact the representatives at the United Nations? Or have some other contact made in Paris?

The committee would like to send representatives to get talks going as quickly as possible. We have a 1-year lifespan given to us by Congress. We would like, and I think we can be useful, to get the State Department moving on the missing-in-action question, whether the details of any agreement can be reached or not I do not know.

Mr. PORTER. My guess again is that it would not be harmful, certainly, for a Member of Congress who feels that he can talk to the Vietnamese as someone without a past record of having been particularly hostile to them; if this Member of Congress contacted the U.N. delegation, that at least there is some chance there might be some useful contact made there.

As for the North Vietnamese Government itself, certainly the letter that you have sent would be one helpful step, but again, more importantly, I cannot emphasize enough the importance of this committee, in some way, establishing its bona fides on this basic question of its desire not merely to advance American policy, the U.S. executive branch policy on this, but its willingness to accept the essential principle of reciprocity regarding these two basic problems of the MIA's, and reconstruction aid, and its willingness to do what it can to persuade the U.S. Government to change its policy.

Mr. GILMAN. What you are touching on is a policy question. This is a factfinding mission and not a policymaking committee. I think that we would be treading on very thin ice if we were to embark on policymaking.

While we certainly will be making recommendations, I do not foresee this committee getting up and waving the flag about changing the entire policy of the United States with regard to Southeast Asia.

Mr. OTTINGER. No, but I do think we can try to gather the facts as to what is needed in order to be able to make progress on the missing in action. We may come out with a conclusion after talks that a basic change in U.S. policy in certain respects is necessary if we are indeed serious about wanting to resolve the problem of the missing in action.

Mr. GILMAN. I do not question that possibility. What I am suggesting to the witness is that for the select committee to make a policy statement, in order to make some movement along with the North Vietnamese, I do not think that would be within the province of the select committee.

Mr. McCloskey. Could I intervene in response to that? Would it be within the province of the select committee, though, to find as a fact now that unless the United States is willing to discuss the whole picture of U.S.-D.R.V.-P.R.G. relations, we have no chance for productive results in the MIA accounting alone?

That finding of fact then raises the question of what we would recommend to the Congress now, or to the Secretary of State now? Frankly, this is the position I have been moving toward because I have heard no one, or none of our experiences have suggested, that we can have productive discussions, either individually or as a committee, unless we are willing to discuss, or the Secretary of State is willing to discuss both paragraph 21 and paragraph 8.

Mr. OTTINGER. I would like to explore that just a bit further.

I recognize the legalities that you recite with respect to the relationship of articles 8 and 21.

Are there other matters, because I think it might be difficult to be able to get any commitment out of Congress at this point to proceed with reconstruction aid, are there other matters that could be the subject of that negotiation?

A couple of things were mentioned. Unexploded ordnance, recognition by the United States of the Vietnamese governments—P.R.G.-D.R.V., resumption of trade—as a way of getting this moving, rather than just having to deal with reconstruction aid.

Mr. PORTER. I would say that it is certainly conceivable, I would say likely, that if the United States took any kind of initiative at this point, whether it involved trade, diplomatic recognition, United Nations—if, for example, we said well, next time around—although we have exercised our veto twice in the United Nations on Vietnam's membership, next time around we have decided that we will not attempt to keep them out of the United Nations. This would be a major gesture from their point of view.

That would facilitate at least discussions. Let me point out, however, that at this point the problem of unconditional discussions is not a problem from the Vietnamese point of view, it is a problem from the U.S. point of view. The Vietnamese have taken the position publicly that they are ready to sit down with our representatives in New York, Paris, or for that matter anywhere else, to discuss the full range of United States-Vietnam problems.

The U.S. Government has said publicly and privately, in talks with me, that they are not interested in sitting down and talking without any preconditions with the Vietnamese authorities. That problem is at this point again a problem of American policy. So we get back again to the point, that if we are talking about the MIA issue specifically, I cannot emphasize enough that the Vietnamese have set themselves in concrete on the principle that these two issues are linked together by reciprocity, by the principle of reciprocity.

I wanted to say earlier that when the Vietnamese have taken this kind of position on a principle during the entire 4 years of pre-Paris

¹ See p. 113.

² See p. 117.

agreement negotiations and since, they have never budged at all from any of the principles that they have embraced.

For example, the principle that Vietnam is one country—from the very beginning of the talks until the end they stuck with that—although they were flexible on the modalities of it. I simply cannot see even the slightest possibility that they are going to change their position on this. I think that has to be made perfectly clear.

Mr. OTTINGER. You mentioned the Joint Commission that was set up to discuss the postwar reconstruction aid did reach an agreement which was not signed.

Mr. PORTER. Yes. The U.S. publicly at least took the position this was not an agreement but a proposal. I think in effect it was an agreement.

Mr. OTTINGER. Do you have a copy of that?

Mr. PORTER. No, I do not. I would like very much to have one.

The CHAIRMAN. Incidentally, your Chicago news clipping has been put in the record.¹

Mr. MOAKLEY. I think that is probably what this is all about, just what that agreement, or contact, or nonagreement is. I think before we can say to anybody we are going to sit down and talk reconstruction aid, we have to find out what this Government is really all about as far as article 21 is concerned. Do you agree with that?

Mr. PORTER. Yes. I could say just a few more words about the history of that problem. Once the talks were broken off in July 1973, no more was heard about it. The U.S. Government said absolutely nothing, pro or con, until December of 1974 when Secretary Kissinger was testifying before the Senate Finance Committee and declared at one point, and I quote: "We are not pursuing this and do not expect to pursue it in any future I can see." Since the end of the war the United States has repeated its position that we are not in favor of reconstruction aid at this time. Now that leaves open at least some tiny crack that under different circumstances we would favor it.

What they have not said, of course, is that we are willing to favor reconstruction aid as part of an agreement with the other side to carry out 8(b). I think that is what is required here. Just one more point about this. I think it is important from the Vietnamese point of view, article 21 is significant not primarily from the material point of view, although that is important to them, it is primarily important from a political point of view.

On the one hand, you know it is a matter of principle for them, that the United States did indeed do great damage to their society and economy and must in some way recompense them. It is a moral question from that point of view.

On the other hand, it is also a political, an important political point for them, because this would be a fundamental way of the United States saying that we are ready to forget the past, of our hostile relationship, and turn toward a real friendly relationship in the future.

I think they regard this as a litmus test of the willingness of the United States to turn toward a really basically friendly relationship with them, which they, as I say, very much want. That is why they put great emphasis on this point; that is, it is a very important point for

them to achieve a situation of basically friendly relations with the United States.

I think they feel that until the United States does admit at least this minimal point that we are ready to give them some aid for postwar reconstruction, they would not feel any basic change in this country.

Mr. OTTINGER. I have lots more questions I would like to ask, but I will not in view of the time.

The CHAIRMAN. Very well.

Mr. OTTINGER. I would like to second Mr. Harkin's feeling, though I think it might be useful to have Mr. Porter come back at some future occasions so we can pursue these lines.

Mr. MOAKLEY. We will get the participants in that agreement which nobody knows anything about. I think this is very important, to find out what they discussed when they talked about reconstruction aid, just where they were coming from, what they were talking about, what timeframe, what they meant by reconstruction aid.

Mr. OTTINGER. My understanding is that Mr. Porter is going to supply to us the names of our three negotiators.

Mr. PORTER. Yes. I can do that.

The CHAIRMAN. Before we go into executive session, I want to thank you very much for coming today. It seems that the action taken by the PRG on the anticipated release of these civilians is a humanitarian action, and, as far as the American people and our select committee is concerned, this is a step in the right direction to bring about some type of diplomatic and other relations with those countries in Southeast Asia, especially North and South Vietnam.

It would seem to me that if the North Vietnamese and the South Vietnamese would continue to move in this area of humanitarian action and moved toward helping us on the MIA's, and repatriation of the American remains, that this would speed up what they want, Mr. Porter.

Mr. PORTER. Mr. Chairman, you may well be correct, and I do not want to put myself in the position of judging that their policy on this is the wisest course.

The CHAIRMAN. It concerned me a little, you said they were locked in concrete. Many things can be done. I would say now that the mood is not right in the Congress for reconstruction aid. But I would say that for maybe the diplomatic areas, sending certain types of teams to take care of these explosives, many other things I believe this Government could do now which would bring about a closer relationship with those countries in Southeast Asia.

Mr. OTTINGER. Are there any other things that you can think of that we might be able to encourage our Government to consider when we have the Secretary of State up, which I hope we will?

You mentioned the U.N., trade, recognition, ordnance, in addition to the reconstruction aid itself. Are there other things?

Mr. PORTER. I think the whole range of gestures that the United States might make, for example, this problem of the repatriation of individuals, Vietnamese from the United States back to South Vietnam. It is an issue which again embroils the United States in a conflict with Vietnam.

¹ See p. 113.

Again, from the Vietnamese point of view, there is a principle involved here of national sovereignty. From their point of view, what the United States has done, is to send these people off on a ship without consulting them, without having any arrangements ahead of time, without taking into account their national sovereignty. They have said privately that here is the United States trying to decide who is going to go back to Vietnam, after having decided who is going to come out of Vietnam.

I would say that if the United States would only say to the Vietnamese, in the future we will take into account the necessity for achieving some kind of agreement on the modalities for repatriation before taking any action which would send Vietnamese back to Vietnam, this would be a positive step. There is a whole series of things which might be done, but at this point there is a political problem which I think stands in the way of moving in this direction.

Mr. McCloskey. You are going to send us a memo on that? ¹

Mr. Porter. Yes.

Mr. McCloskey. Mr. Chairman, I would express the hope we move into executive session rapidly. I have two matters I would like to discuss.

The CHAIRMAN. Fine. It would be easier for the committee to now adjourn and then for the members to meet in private session. I believe that would be covered under our rules. If there are no objections, we will do that. We appreciate very much having the two witnesses here this afternoon. We now stand adjourned.

[Whereupon, at 4:20 p.m., the select committee adjourned.]

¹ See p. 113.

APPENDIX

MATERIAL RECEIVED FOR THE RECORD

PREPARED STATEMENT OF E. C. "BUS" MILLS, CHAIRMAN OF THE BOARD, NATIONAL
LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

SUGGESTIONS FOR THE SELECT COMMITTEE FOR INVESTIGATIVE PURPOSES

In my capacity as Chairman of the Board I have written each of you pledging our full cooperation. Col. Earl Hopper our Executive Director is here in Washington full time and of course will be our chief liaison with this Committee.

We hope this Committee will hold hearings, perhaps subcommittee hearings in various sections of the country thereby giving our membership a better opportunity to be present and present testimony. We hope to make recommendations to the staff of the Committee to hear testimony from specific members where there are discrepancies—a few of these include: Martin (Florida), Varnado (Louisiana), Harris (Texas), Sullivan (Texas), Sparks (Iowa), Dunn (Massachusetts). Of course, some of these could possibly come to Washington but for others it would be a hardship.

There are some individuals and groups that we feel the Staff might wish to hear. These are not sanctioned by our League and we can't vouch for their authenticity. These would include but not be limited to Rev. Linstrom of Christian Defense League of Illinois, the American Friends Committee, Rod Norberg, etc.

Negotiations

(1) *Paris Peace Accords*.—Obtain all documents related to agreements and correspondence pertaining to negotiations prior to the signing of the accords—to include undisclosed commitments, concessions or agreements made regarding the POW/MIA situation.

(2) *Past Direct Efforts*.—Obtain a complete history of all documents and correspondence between the United States and the governments in Southeast Asia related to negotiations for the release of all prisoners, the accounting of the missing and the return of the remains of those who died serving our country, including the time period following the signing of the Paris Accords to the present. Also included should be records of activities, reports, correspondences and negotiations of the Four Party Joint Military Team.

(3) *Current Direct Efforts*.—Obtain complete records of all ongoing efforts to achieve compliance with Articles 8(a) and 8 (b) of the Paris Peace Accords with the present governments in Southeast Asia.

(4) *Third Country Efforts*.—Obtain complete set of documents and correspondence pertaining to the POW/MIA accounting undertaken with Third Countries to enlist their assistance in this humanitarian problem, prior to and following the signing of the Paris Peace Accords, including current efforts being made *at this time*.

[NOTE: Involving Third Country efforts, what questions have been asked, and more importantly, what responses have been received. There has been no communication to the families as to what the outcome of this has been from the many "alleged" inquiries made by various leaders of our government.]

(5) Why have the guarantors of the Paris Peace Accords not taken steps to assist with the implementation of the articles contained therein? If steps have been taken, what are they and what was the result?

(6) We have been told that President Ford, in his meeting with General Secretary Brezhnev, brought up the POW/MIA accounting. Also, Dr. Kissinger, in his meeting with the Chinese leaders in Peking, brought up the same thing. We would like to know the priority given to this in both instances, what was presented and the response obtained in both instances.

(7) Why have negotiations never been *officially* undertaken by the United States for those men unaccounted for in Laos, Cambodia and China?

(8) Why have the remains of those men listed by the communists as having died in captivity (DIC) not been returned? Why are there no direct negotiations with the governments in Southeast Asia to obtain these remains, especially the one admittedly left behind in Hanoi, the three mentioned in the Kennedy exchange of letters and the two Marines left at the time of the fall of Saigon?

(9) What negotiations have been made for the release of those Americans captured at Ban Me Thuot in March 1975? What has been the result of avenue pursued?

Intelligence sources of information

(1) Request testimony from the appropriate CIA official(s), all documents, reports and communications pertaining to locations of prison camps, information on live POW's, information on the actual fate of the missing, information on the locations of graves of those whose bodies have not been recovered and all other information pertaining to the POW/MIA situation in its entirety. Classified materials to be included in the investigations.

(2) Request testimony from the appropriate DIA official(s) and all information listed above pertaining to the POW/MIA situation, including classified materials.

(3) Obtain testimony from the directors of the various service intelligence operations and all documents, reports and communications pertaining to the areas listed above, including classified materials.

(4) Obtain all debriefing reports obtained from American returned POW's, and foreign nationals.

Department of Defense status change policy

(1) It is our understanding that this Committee has assurance from DoD that they plan to continue the present policy regarding status reviews pending the findings of this committee. In light of this, to what extent does this committee plan to delve into status change procedures?

(2) If a man has been carried as POW or MIA for a period of several years based upon the information available, how can a finding of death be made based on the fact that "no new information has surfaced to indicate the man is living, so he must be presumed to be dead."

(3) How can a "lapse of time" be a factor in changing the status of a man, supposedly according to existing law, when no time is specified in the wording of the law?

(4) Why should the primary next of kin have the right to determine when or if a man's status review should be held when such a review is supposed to be based on new or additional information or when the evidence warrants a review? The rights of the family may be protected in this instance, but what then happens to the rights of the POW or MIA—also an American citizen?

Economic alternatives

(1) Under existing law the Trade Reform Act of 1974, Title IV, Section 403, the President of the United States has the authority to withhold most favored nation status to any country who is not assisting us in obtaining the accounting of our missing men. Why has this discretionary authority not been used by the Commander-in-Chief of all the Armed Forces? Case in point—Rumanian Trade Agreement.

(2) Reconstruction aid was promised in the Paris Peace Accords—this provision has been brought to the attention of each family member who has traveled to far corners of the world to speak directly to the North Vietnamese and the Provisional Revolutionary Government of South Vietnam. With the latest obvious attempt to open discussions on the aid provision of the accords (Article 21), the North Vietnamese seem to be offering to negotiate on the provisions included in Article 8(b), if not 8(a). Why have no *HIGH LEVEL* negotiations been initiated?

(3) Why has the United States continued to provide monetary assistance to the United Nations, which funnels money directly to the communists in Southeast Asia, without demanding that first the humanitarian objectives of the United Nations be adhered to?

(4) Why is there such reluctance on the part of the State Department to use the POW/MIA situation in exchange for trade agreements beneficial to the Soviet Union and the People's Republic of China when these countries need our technology, wheat, aircraft and other forms of assistance? Can't our "friends" who supported the North Vietnamese and her allies throughout the long war in Vietnam, Laos and Cambodia use their influence by insisting upon cooperation from their allies in Southeast Asia before providing food, ammunition, supplies, etc.

Discrepancy information

(1) Obtain files, including classified, of all men listed as POW at the time of the Paris Peace Accords who were not repatriated nor accounted for.

(2) Obtain status review hearing files on those men listed as POW whose statuses have been changed to PFD—What was the basis upon which the change was made?

(3) Obtain complete files on MIA cases wherein families claim information has been withheld, to include classified intelligence reports, documents and communications pertaining to the individual's case.

(4) Logical thinking suggests to us that among the returned POW's there should have been some amputees, severe mental cases and badly disabled prisoners. Why have none returned?

[From the Chicago Tribune, Wednesday, Aug. 6, 1975]

VIET REDS OFFER TALKS ON MISSING GI'S IF U.S. WON'T BAR U.N. SEATS

(By Donald Kirk)

NEW YORK—Communist Vietnamese diplomats indicated Tuesday their willingness to discuss the return of missing American prisoners of war if the United States does not oppose the entry of North and South Vietnam as separate nations into the United Nations.

North Vietnamese Ambassador Nguyen Van Luu held out that hope in his first press conference at the U.N.

Without admitting that North Vietnam is holding American prisoners, Luu said that his government wants "to resolve this question thru discussion" and is "awaiting the reaction of the U.S. side."

Luu and Ambassador Dinh Ba Thi of South Vietnam said in a statement that they are "not hostile to the U.S. government and are willing to establish normal relations with the U.S. on the basis of the Paris agreement." Luu and Thi hold observer status at the U.N.

The statement made clear, however, that North and South Vietnam predicate their willingness to normalize relations in part on America's attitude to entry of both governments into the U.N. The statement denounced the American strategy of supporting their applications only if the anti-Communist South Korean government is admitted to the U.N. at the same time.

Late Tuesday, the Security Council scheduled a public session for 3 p.m. Wednesday on South Korea's and North and South Vietnam's applications for U.N. membership. There has been speculation that if South Korea's application is not approved, the U.S. will veto membership for the two Vietnams.

The two Vietnamese ambassadors argued that the U.N. "admits a divided country when they request to enter the U.N.," and cited the case of the two German states in 1973. Communist East Germany and West Germany were both admitted that year.

They said that both halves of such a country had to agree on separate membership, as have both Vietnams. Since North Korea opposes South Korea's membership, then according to this logic it could not be admitted.

Asked when both Vietnams will reunify under a single Communist rule, Thi responded that reunification is "an aspiration up to the people in the two zones to decide." He said that Vietnam is one country but still is entitled to two U.N. seats as long as there are two governments.

Vietnamese diplomats later denied they are holding American prisoners of war, but said they are willing to permit American teams to search for 1,100 Americans still listed as missing in action provided the U.S. complies with the Paris agreement.

A Vietnamese diplomatic source pointed out that the Paris agreement also requires the U.S. to provide aid for rebuilding Vietnam.

INDOCHINA RESOURCE CENTER,
Washington, D.C., October 18, 1975.

Memorandum to: Representatives Ottinger, Schroeder and Harkin.

From: Gareth Porter.

Subject: The first steps in the Select Committee on MIA's.

1. The Select Committee faces a very difficult and delicate task, due to the diplomatic and political conditions created by the administration's present policy toward Vietnam. But at the same time, it has an opportunity to play the critical

role in resolving not only the MIA problem but the whole diplomatic logjam which is keeping the U.S. and Vietnam from normal relations. Moreover, the Committee is now the *only* body in the U.S. government which is capable of achieving this objective under present conditions.

2. In order to be successful, however, the committee must come to grips with the political realities from the beginning of its work. To begin with, it must avoid any moves which would destroy its credibility with the Vietnamese authorities, whose cooperation is clearly necessary for any progress in resolving the MIA question. The Vietnamese already view the committee with suspicion as a mere extension of the administration's policy of getting information from Vietnam on MIA's without offering anything in return. They have said privately in recent days that the name of the committee and its narrowly-defined mandate indicate the same attitude toward Vietnam as that of the executive branch, and that under these circumstances, it would be impossible for the DRV or the PRG to receive committee members as such, although they would be willing to talk with individual members of Congress who have indicated a friendly attitude. The series of unilateral U.S. actions toward Vietnam, beginning with the trade embargo and including a second pair of vetoes of Vietnamese membership in the United Nations—in spite of a 123-0 vote in the General Assembly favoring that membership—has made the Vietnamese governments increasingly sensitive to the relationships between the committee's work on MIA's and the overall policy of hostility pursued by the administration. Any move by the committee which would reinforce the view of the committee as tied up with administration policy would seriously damage the chances for the committee to play a positive role in the solution of U.S.-Vietnam problems.

3. On the contrary, the Committee could establish its good faith with regard to the resolution of outstanding problems between the two countries by making a dramatic gesture to break with administration policy on Vietnam. Although indications of a desire for normal diplomatic relations and criticism of the UN vetoes are a step in the right direction, it should be borne in mind that, ultimately, the U.S. must accept the principle that both sides have obligations arising out of the war and the Paris Agreement. The Vietnamese position, stated explicitly on many occasions, is that there can be no progress on the MIA issue unless the U.S. recognizes its obligation to implement Article 21 of the Paris Agreement, which pledged economic assistance in the rebuilding of North Vietnam. If the Committee is seriously interested in obtaining Vietnamese cooperation on MIA's, therefore, it must publicly recognize this principle of reciprocal obligations. It cannot afford to remain silent on this issue, since that would be read, rightly, or wrongly, as confirmation of the committee's support for present administration policy.

4. At present, there are pressures on the committee from within Congress as well as from outside to deal only with the isolated problem of MIA's. The committee must respond to these pressures by pointing out that it must be free to recommend whatever changes in U.S. policy it feels are necessary to accomplish its mission of obtaining complete information on the MIA's even if that means breaking with existing U.S. diplomatic policy toward Vietnam. To insist on isolating the MIA problem from the total diplomatic contest, it may be argued, is to negate the urgent concern which was responsible for the creation of the committee in the first place.

5. In addition, there are several realities which are not understood by most members of Congress, but which bear directly on the problem of MIA's, and which the committee must make clear to the entire Congress:

6. First, there is no possibility that the Vietnamese will drop their fundamental demand for acceptance by the U.S. of the principle that both sides have reciprocal obligations growing out of the war and the agreement. Throughout the war, the Vietnamese distinguished sharply in their negotiations with the U.S. between basic principles, such as the unity of Vietnam, and the modalities of implementing those principles. On modalities, they were willing to drop earlier demands in response to changed circumstances and expectation. But on basic principles, they did not budge at all during nearly four years of negotiations. The principle that the U.S. has a responsibility to help rebuild Vietnam because of the destruction it caused, represented by Article 21 of the Paris Agreement, is deeply engrained in the Vietnamese mind. Although the Vietnamese are likely to be extremely flexible on *how* that responsibility is carried out, in terms of the timing and amount, they cannot be expected to drop

the demand for acceptance of the responsibility as part of the postwar settlement of accounts.

7. Second, the Ford Administration is now completely bereft of any leverage on the Vietnamese authorities in the matter of MIA's. It no longer has even the theoretical option of threatening military force against Vietnam. And by taking the position that it does not favor reconstruction aid to Vietnam under any foreseeable circumstances, the administration deprives itself of the one form of leverage that it *could* exercise if it wished to obtain the cooperation of the Vietnamese on the problem of MIA's. Those people who call upon the U.S. to exercise its leverage on Hanoi do not seem to understand that in order to do so, it must be able to threaten to *deny* something to the Vietnamese which it would not deny if they comply with U.S. demands. In short, the U.S. cannot have any influence on the D.R.V. or P.R.G. while taking a position of complete isolation toward those governments.

8. Third, the administration's argument that the U.S. has no more obligations under the agreement because the Vietnamese Communists violated the agreement militarily would be more persuasive if the Saigon government had made even a minimal effort to implement that agreement. But there is abundant evidence that Saigon violated it militarily as well as politically from the very beginning. We are hardly in a position, therefore, to blame the collapse of the peace agreement on the present governments of Vietnam.

9. Finally, in spite of statements by the Ford Administration to the effect that the Paris Agreement is irrelevant to the present situation, Secretary Kissinger himself publicly stated in a news conference on June 19 that the U.S. would base its decision on diplomatic recognition of the governments in Vietnam on their "implementation of the Paris Agreement, especially with respect to the missing in action." Kissinger has explicitly admitted, therefore, that the U.S. still considers obligations entered into under that agreement as being valid, including, of course, its own obligations under Article 21.

10. In conclusion, it is vital that the committee come to grips with the problem of its basic direction at an early date and that it recognize publicly the central principle of reciprocal obligations arising from the war. In this connection, I have discussed with Congressman Ottinger and Congressman Harkin the possibility of my making a full presentation of the diplomatic background and present realities of the MIA issue insofar as Vietnamese policy and the Paris Agreement are concerned, elaborating on the above points in greater detail. I have also discussed this with Angus MacDonald, who indicated that he would favor such a presentation as well. I believe it would be best if such a presentation were done in public session, so that the information would be available to the press and other members of Congress as well. The basic purpose, however, would be to lay the groundwork for an informed discussion within the committee of the basic decision which it must make sometime soon on its position regarding the broader political-diplomatic question.

INDOCHINA RESOURCE CENTER,
Washington, D.C., October 27, 1975.

Memorandum to: Congressman Montgomery.

From: Gareth Porter.

Re: Arguments for a policy of diplomatic initiative to achieve an agreement on the MIA problem.

Following are the main arguments for a policy of diplomatic initiative by the U.S. in regard to outstanding U.S.-Viet Nam problems, including the MIA problem. The arguments deal with the overall policy of making diplomatic and other gestures toward better relations with Viet Nam, but assume that an initiative involving negotiation of an agreement on both MIA's and postwar reconstruction aid is included among the initiatives.

1. To refuse to make any diplomatic accommodation with North Viet Nam is to turn the administration's back on the families of MIA's. It is a cruel deception—one which is no longer credible to most of these families—to claim that the administration has done everything possible to obtain information on the MIA in Indochina and to repatriate the remains of the known dead, so long as the administration refuses to explore a diplomatic agreement based on reciprocal obligations of both Vietnamese parties and the U.S.

2. A diplomatic accommodation is the only way the U.S. can settle the MIA problem. As Secretary Kissinger himself has admitted, there is no longer any leverage on the Vietnamese except for the denial of U.S. aid and other benefits of trade and diplomatic ties. But up to now, the U.S. has not offered those ties as an incentive for the Vietnamese to carry out their obligations under Article 8(b). Without the positive incentive, in the form of a concrete diplomatic proposal, the denial of U.S. assistance and other ties does not constitute leverage at all. We cannot influence Viet Nam while remaining hostile and isolated from it.

3. The U.S. does not give up any significant interest—economic, military or diplomatic—by making such a diplomatic accommodation. Except for a program of reconstruction assistance, which could be modest in scope and could be largely in the form of long-term loans and credits to buy U.S. equipment, there is virtually no sacrifice by the U.S. of any of its interests in Southeast Asia, in the moves outlined here. They would not, for example, require any change in U.S. policy toward Thailand.

4. On the contrary the U.S. has significant economic and diplomatic interests as normal, reasonably friendly relations with Vietnam. Vietnam is bound to be a major regional power in Southeast Asia in the future, given its human and material resources, both in a political and economic sense. There are significant offshore oil deposits which U.S. oil companies are ready and willing to explore in cooperation with the governments of North and South Viet Nam, which only U.S. government policy now prevents. Even more significant, the U.S. has an important stake in establishing its own positive influence in Viet Nam. As it stands now, the U.S. is putting itself in a position of complete non-influence there. But by maintaining an Embassy and even a small program of development aid, the U.S. would be in a position to help balance the influence of the Soviets and Chinese. North Vietnamese officials themselves have said privately that they are eager to have such a presence in order to escape the tight embrace of their socialist allies. DRV foreign policy is now marked by a clear tendency to diversify foreign ties in the direction of non-socialist countries and by a positive interest in good relations with the U.S.

5. To the extent that Viet Nam continues to have revolutionary aims in Thailand, such a U.S. presence and economic aid provides the best means for moderating them. The Nixon Administration's rationale for postwar reconstruction aid to North Viet Nam—that it would help moderate Vietnamese Communist policies—is far more applicable now in peacetime than it was when the war in Viet Nam continued to rage. Surely one of the lessons of U.S. policy toward China was that U.S. efforts to isolate or "contain" China by promoting anti-Chinese and anti-communist regimes simply increased Chinese support for revolutionary movements in Southeast Asia, and that prospects for accommodation with the U.S. and non-Communist states in the area produced a significant measure of moderation in Chinese policy toward those revolutionary movements. (Thailand is a prime example.)

6. In spite of the outcome in Viet Nam, and the fact that one of the four original parties to the agreement no longer exists, the obligations which were undertaken by the Vietnamese governments and the U.S. under the Paris Agreement are still binding. The U.S. has never formally renounced the agreement as required to be released from all of its obligations. On the contrary, Secretary Kissinger has publicly called on the DRV and PRG to implement Article 8 (b) on missing in action, since the end of the war. On June 19, 1975, in a press conference, Kissinger said the U.S. would base its decision on diplomatic recognition of the governments in Viet Nam on their "implementation of the Paris Agreement, especially with respect to the missing in action." Kissinger thus admitted that the U.S. still considers the Paris Agreement to be binding.

GARETH PORTER.

INDOCHINA RESOURCE CENTER,
Washington, D.C., October 27, 1975.

Memorandum to: Congressman Montgomery.

From: Gareth Porter.

Re Options for U.S. diplomatic initiatives which would improve U.S.-Viet Nam relations and lead to resolution of the MIA Problem.

In response to the request of the committee at last week's hearing, I have compiled a list of moves by the U.S. government which would contribute to

an improvement in U.S.-Viet Nam relations and lead toward resolution of all outstanding problems in U.S.-Viet Nam relations, including the problem of MIA's. These moves are arranged in rough ascending order of significance for resolving the MIA problem and may be considered as a possible sequence of moves leading to that result.

1. The removal of restrictions on travel to North Viet Nam from U.S. passports, and restrictions on travel to the U.S. of Vietnamese citizens.

2. Announcement that the U.S. will cooperate in efforts to work out procedures for repatriation of individuals to South Viet Nam through the United Nations High Commissioner on Refugees, and will not take any unilateral action in regard to refugees wanting repatriation in the future.

3. Announcement that all restrictions on private material assistance to Viet Nam will be lifted.

4. Shifting North and South Viet Nam from the "Z" list of the trade embargo to the "Y" list, thus removing all restrictions on trade with Viet Nam except for strategic materials, and thus placing Viet Nam in the same categories as China and the Soviet Union.

5. Announcement of the U.S. willingness to discuss with representatives of the DRV and PRG, without preconditions, outstanding problems of U.S.-Viet Nam relations, in an effort to progress toward normalization of relations.

6. Announcement that the U.S. would not veto Vietnamese applications for membership in the United Nations when the issue next arises.

7. Offer of technical assistance in deactivation of unexploded ordnance throughout North and South Viet Nam as part of an agreement involving search for and repatriation of bodies of MIA's.

8. Communication to the PRG and DRV that the U.S. accepts in principle that both sides have obligations arising from the war and the Paris Agreement.

9. Negotiation of an agreement in principle on reciprocal implementation of remaining obligations under Article 8 (b) and Article 21 of the Paris Agreement.

10. Negotiation of a detailed agreement providing for a schedule of implementation of Article 8 (b) and Article 21.

11. Negotiation of an agreement for normalization of diplomatic relations.

[NOTE: Although steps 1 through 4 would help provide a much better atmosphere for the negotiation of a concrete agreement on MIA's, it should be understood that the crucial moves are steps 5, 8, 9, and 10. These steps could be undertaken concurrently with or even prior to some of the steps outlined here.]

GARETH PORTER.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 10, 1975.

HON. PHAM VAN DONG,
Prime Minister, Government of the Democratic Republic of Vietnam, Hanoi,
Vietnam.

DEAR MR. PRIME MINISTER: I and the other Members of Congress who wrote you on May 22, 1975, requesting an accounting of Americans missing in action as an important step towards restoring normal relations between our countries, greatly appreciate your reply of June 21, 1975. I apologize for the delay in responding.

My initial reaction to your reply was one of disappointment at what I interpreted as a rejection of our request, and I issued a statement to that effect. I have since been persuaded that my reaction was in error, and have so stated publicly a number of times, including the enclosed statement to the press.

I was informed recently by the American Friends Service Committee that a clarification obtained by Mr. Lou Kubica at the A & H Bomb Conference from Mr. Xuan Oanh and Mr. Hanh, indicates that your letter was definitely not intended as a rejection, but as an indication of interest in discussing with representatives of the United States all the outstanding problems between our countries, including the outstanding questions concerning Americans still listed as missing in action, a search for remains of deceased servicemen and related matters, without preconditions.

While I had hoped that some gesture could have been made on the missing in action question in response to those of us who had opposed the United States' intervention in Vietnam, nevertheless I am heartened at your expression of willingness to discuss these matters in the context of the entire range of concerns between our countries.

I have also been glad to learn of the offer made by your Embassy in Paris to our government on August ninth of your readiness to exhume and repatriate the bodies of three American pilots. I hope that we may begin to build on these steps toward the normalization of relations between our two countries.

Since our previous correspondence, there has been established in the House of Representatives a ten member Select Committee on Missing Persons in Southeast Asia, to which I have been appointed. The Committee fully realizes the essentiality of addressing the full range of mutual humanitarian concerns in order to achieve its assigned objective of answering to the extent possible the remaining unanswered questions with respect to those Americans still listed as missing in Southeast Asia (our assignment includes missionaries, journalists, and any other civilians as well as military), and repatriating any remains which can be identified. The Committee believes it should understand more clearly the views of your government on these problems.

Accordingly, the Committee would like to send a delegation at the earliest possible time to Paris, Hanoi, Saigon or such other place as you might find convenient, to discuss these matters, in accordance with the expression of interest in your letter, without preconditions. If you would prefer, since the Committee's name and mission are limited to our concerns about missing Americans, rather than the full range of our mutual humanitarian concerns, a delegation could come in their capacity as individual Members of Congress rather than as Committee representatives. We would be pleased if you would advise us of your wishes in this regard. I should emphasize that any discussion with such a delegation of necessity will have to be exploratory in nature, since we do not have authority to negotiate on behalf of our government. We are anxious to promote official government discussions that can lead to constructive action, however, and I believe that the missing persons assignment gives us an opportunity to be helpful in this regard.

It is unfortunate, indeed, that the timing of our pursuit of these questions of improving relations between our countries must arise against the background of a second veto by our government of admission of the Provisional Revolutionary Government of South Vietnam to the United Nations. A number of us contracted our State Department to try to persuade it to have our U.N. delegation abstain or absentee themselves from that vote, but to no avail. Some of us have also co-sponsored Congressman Jonathan Bingham's Resolution which calls for lifting the United States embargo on trade and private humanitarian assistance to Vietnam. We are well aware that these situations should be a part of any discussions and feel that the United States must revise its policy to establish normal, friendly relations between our countries.

We look forward to hearing from you and to meeting with you or your representatives in the near future.

Very sincerely,

RICHARD L. OTTINGER,
Member of Congress.

NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN
SOUTHEAST ASIA

(Submitted by Mrs. Ann Mills Griffiths)

PARIS TRIP REPORT

We first approached the North Vietnamese Embassy at 9:30 a.m. on Monday, November 25. We were asked to wait while Mr. Do Thanh, First Secretary, was called to talk to us. The conversation was in French with Anne Hart speaking. We were told that they were extremely busy preparing for the arrival of Le Duc Tho and that they had to leave momentarily as we could understand. We assured him that we could. We were asked to come back at 3:30 p.m. that afternoon.

We returned to the Embassy with M. Germaine Faron, former American Embassy employee, as our interpreter. We were asked into the meeting room by Mr. Do Thanh and Mr. Fu (spelling unclear). We were served coffee and French cigarettes. The meeting was very cordial, not antagonistic or belligerent, and there were no long party monologues. Mr. Thanh mentioned having received the telegrams from the United States and recognized each of us in turn with special recognition of having written a letter to "Salvatore" Mascari a couple of months ago. He also mentioned having received Mrs. Virginia West recently.

There were several interesting points made by Mr. Thanh:

1. The North Vietnamese consider all articles of the Paris Peace Accords as being tied together—none considered separately, in spite of the fact that we have been told by our government that Articles 8(a) and 8(b) are not tied to any other articles in the Agreements.

2. Mr. Thanh referred to Article 21—reconstruction aid—as an article which had not been implemented. He led into this with (1st) taking care of the wounded—those wounded by bombs dropped by American pilots, (2nd) aid for rebuilding hospitals and schools, and (3rd) reconstruction aid.

3. The Saigon and American governments were the ones who halted negotiations of the FPJMT and were the chief obstacle to renewing talks. Mr. Thanh repeated several times that they (U.S.) were the chief obstacle and would not even discuss the procedures. He stated that the Saigon and American governments did not "wish" to discuss the Article 8(b). He never mentioned 8(a) only 8(b).

4. Reference was made to the prisoners being held by the South, but Mr. Thanh was careful to say that those prisoners were South Vietnamese civilians and PRG not North Vietnamese military as North Vietnam has no men in the South.

5. Mr. Thanh stated, "The U.S. government does not always tell the truth." He mentioned several things such as hidden military troops—American military in civilian clothes serving as advisors, support of the Saigon government and U.S. pilots continuing to fly SVN planes.

6. Mr. Thanh made frequent reference to AP articles. He mentioned that Dr. Kissinger had told us we should address our remarks to Denmark, actually it was Sweden. Apparently he knew about this from an AP article out of New York quoting George Brooks.

7. One particularly interesting note was that Mr. Thanh condemned the Saigon government much more than the U.S. government. There were pictures of Pham Van Dong and Ho Chi Minh on the walls of the meeting room.

We kept trying to convince Mr. Thanh that it would be much better if we could return to the U.S. with the words of Mr. Tho indicating the reasons why the NVN would not cooperate in providing us with information. We told him that our appeal to Congress would carry more weight if we could tell them we had talked to Mr. Tho and that he, personally, had given us their reasons why there could be no negotiations. We had to press, and continue asking, for clarification as to what Mr. Thanh meant when he said that the other side had not lived up to the agreements. It required several comments, including the fact that we (Americans) only know what our newspapers tell us, and that we wanted to hear from them (NVN) their side of the story so that perhaps we could help in some way.

Mr. Thanh closed his comments with mention of the 200,000 prisoners in SVN prisons, the prisoners in tiger cages, etc. He indicated that he would try to call us to let us know one way or the other if Mr. Tho would meet with us—this he did not do.

The following day, contacts were made with members of the press. There was very little interest shown by the French or American press in even attending the press conference scheduled for Mr. Tho. Most of the media were not represented at the press conference, and there was little mention in the papers other than in the French Communist Party paper, *L'Humanite*.

On the day of the press conference, Wednesday, November 27, we went back to the NVN Embassy to ask again for the meeting with Mr. Tho. We were told he was too busy. We stood outside of the Embassy, for two or three hours which caused them a great deal of discomfort. We left there to go to the Communist Party headquarters where the press conference was to be held. We did gain entrance to the building and waited for a man to give a message to Mr. Tho. He came back and told us that he would deliver the message that we wanted to meet with him. The building was unbelievable as far as security with a maze-like entrance limited to one person entering at a time. The press conference was in process while we were there.

After the press conference, Mr. Peter Kalisher (CBS) was called for the outcome. He commented that he had brought up the question of the POWs. Mr. Tho's response was that following the American troop withdrawal, they (NVN) returned the POWs and the remains of the dead. Tho also commented that this was the *only* article of the Accords which had been implemented. Then Mr. Tho said that Nixon and Ford owe a debt to North Vietnam which has not been paid. He stated that he will continue to ask every U.S. President to honor that

debt, Mr. Kalisher's opinion is that NVN is not going to give up SVN—that they will push for two objectives—unification of all Vietnam and reconstruction of North Vietnam. Mr. Tho specifically mentioned (probably in response to a question) that he has no plans to meet with Dr. Kissinger and that he had not met with the American representatives in Paris to see him, referring to Mrs. Anne Hart, Mr. Sal Mascari, League Board Members, and Mr. Steve Frank, VIVA, in addition to me.

The cooperation of the State Department was tremendous as far as preferential treatment in obtaining a passport, reservations at the hotel in Paris and making arrangements to have an American Embassy employee meet us at the airport. Mr. Harry Sizer, Economic Aid Negotiations Staff in Paris, was assigned to keep track of us. He was courteous but offered little or no actual information of any real help. We asked him to obtain specific information which he finally managed to some degree but not until we had already obtained it ourselves. For instance when questioned as to when, where, etc. Le Duc Tho's press conference would take place, he didn't know and would have to find out. We later learned that the press release had gone out on November 21 to all the media. We received the information from Mr. Sizer on November 26.

We were invited to meet with the American Ambassador to France, the Honorable Kenneth Rush, on Tuesday, November 26. We did meet with him, but he offered no additional information. Actually he wanted to obtain from us what we had done and intended to do. We met approximately ½ hour and as politely as possible made it quite clear that we did not appreciate the lack of cooperation in providing the information requested. (We found it difficult to believe that the American Embassy did not know where Le Duc Tho was staying, etc. Later we also learned that an Embassy employee had attended the press conference, yet we were not allowed to furnish questions or to discuss the outcome with him). Mr. Rush assured us that if he knew the information he would either tell us or state that he was not at liberty to disclose it. I feel that the staff at the American Embassy did not expect us to know the political situation or to have as much knowledge of the issues involved especially regarding trade, negotiations, efforts our government had expended and the lack of results, etc.

I feel that we can scarcely expect the NVN government to cooperate in providing information on our men or in complying with the Paris Peace Accords when they have absolutely nothing to gain from such compliance. They feel that there is no reason why they should negotiate when the Saigon and American governments are not abiding by the Agreements themselves. Until NVN and/or U.S. policy changes to allow something other than a face to face standoff, we cannot realistically expect them to be cooperative with the primary force preventing them from fulfilling their objectives.

BIOGRAPHICAL DATA OF WITNESSES

MR. GEORGE L. BROOKS

Mr. George L. Brooks is Vice-Chairman and Chairman of the Legislative Committee of the Board of Directors of the National League of Families of American Prisoners and Missing in Southeast Asia. He is Supervisor of Engineering Services Consolidated School District in Newburgh, New York.

Mr. Brooks' son, U.S. Navy Lieutenant Nicholas G. Brooks, has been missing in action in Laos since January 2, 1970.

Mr. Brooks has been active in League Affairs since its organization in 1970. He has served five consecutive years on the Board of Directors, the last three as Vice-Chairman.

Mr. Brooks served with the U.S. Navy during 1938-46 and is a member of the American Legion and Disabled American Veterans. Mr. Brooks home is in New York.

EARL P. HOPPER, SR.

Colonel Earl P. Hopper, Sr., U.S. Army Retired, is Executive Director of the National League of Families of American Prisoners and Missing in Southeast Asia. He retired from the Army in November 1969 after serving 20½ years and participating in three wars as an Infantry officer. His military service also included several years in Army Intelligence between 1952 and 1969.

Colonel Hopper's oldest son, U.S. Air Force Captain Earl P. Hopper, Jr., has been missing in action in North Vietnam since January 10, 1968.

From January 1970 to July 1975, Colonel Hopper was active in POW/MIA activities in Arizona where he was a member of the Arizona Families of Missing in Action. He was State Coordinator for the Arizona families from March 1973 to June 1975.

Colonel Hopper has been active in League affairs since its organization in 1970. He was a member of the Board of Directors for the National League of Families from June 1973 to July 1975, prior to assumption of duties as Executive Director for the League in August 1975.

Colonel Hopper is a native of Arizona where he now makes his home.

T. GRADY MANGHAM, JR.

Rev. T. Grady Mangham, Jr. has been involved with the Southeast Asia scene since 1947, when he and Mrs. Mangham went to Viet Nam, then known as Indo-China. Twenty years of residence there have been followed by seven years in the administrative responsibilities of his present ministry as Area Secretary for Southeast Asia, India and the Middle East.

Mr. Mangham has a personal acquaintance with the church leaders in the Khmer Republic (Cambodia), Laos, Thailand, Viet Nam and India as well as the C&MA missionaries serving in those countries. Frequent visits to these areas keep him well informed of progress in the work, problems which are encountered, and prospects for further development. His viewpoint of the Middle East situation has been developed through his involvement with the ministries of Alliance missionaries and national pastors in Lebanon, Jordan, and Syria, as well as Israel.

While in Viet Nam, Mr. and Mrs. Mangham served both among the tribes people in the central mountain area as well as among the Vietnamese on the coastal plains and in Saigon. They acquired a working knowledge of four different languages in order to carry on their work. For several years Mr. Mangham served as chairman for the extensive mission work of the Alliance there.

The family now make their home at Nyack, New York.

E. C. "BUS" MILLS

Mr. E. C. "Bus" Mills is the Chairman of the Board of Directors of the National League of Families of American Prisoners and Missing in Southeast Asia. Mr. Mills is a retired school administrator having spent 32 years as an educator. He retired in June 1974.

Mr. Mills' son, U.S. Navy Lt. Commander James B. Mills, has been missing in action in North Vietnam since September 21, 1966.

Mr. Mills has taken an active part in the National League of Families activities since it was organized in 1970. He has served as Western Regional Coordinator, Board Member and Executive Director for the League for one year in 1974-75.

Originally from Oklahoma, Mr. Mills has lived in Bakersfield, California since 1946.

DANIEL GARETH PORTER

Address: 235 Emerson Street, N.W., Washington, D.C.

Birth Date: June 18, 1942.

Place of Birth: Independence, Kansas.

Present Position: Director, Indochina Resource Center, Washington, D.C.

Education: Manchester College, 1960-63; University of Illinois, 1963-64; B.A. political science, 1964; University of Chicago, 1965-66; M.A. international relations, 1966; Cornell University, 1968-75; Ph. D. expected January 1978.

Fellowships: NDEA Title VI Fellowships for study of Vietnamese language, 1969; Humanities-Social Sciences Fellowship, Cornell U., 1968-70; London-Cornell Fellowship for field research in Vietnam, 1970-71.

Teaching Experience: University of Akron, Akron, Ohio, 1966-67; Manchester College, North Manchester, Indiana, 1967-68; Graduate Teaching Assistant to Prof. George McT. Kahin "U.S. and Asia" course, 1969-70.

Other Employment: Research Associate, International Relations of East Asia, Cornell University, 1972-74. Correspondent and Bureau Chief, Saigon, for Dispatch News Service International, 1971. Research Aide to Senator Gaylord Nelson (D-Wisc.), 1964-65.

Travel: 10-week trip to Germany, Italy, Spain, Portugal, Morocco, Algeria and Tunisia, summer, 1967; South Vietnam, summer 1968 and all of 1971; North Vietnam, December 1974-January 1975 (18 days); India, Nepal, Thailand and Laos, 1970; Cambodia, Taiwan and Philippines, 1971.

Field Research: Ph.D. research in South Vietnam, 1971.

Ph.D. dissertation: "The American Presence and Social Structure in South Vietnam," George McT. Kahin, dissertation adviser, to be completed June 1975.

Publications: "Globalism: The Ideology of Total World Involvement," in *The Vietnam Reader* (Raskin and Fall, eds.), New York: Random House, 1965. "Crisis of Legitimacy," in *Why Are We Still in Vietnam?* (Ackland and Brown, eds.), New York: Random House, 1970. "After Geneva: Subverting Laotian Neutrality," in *Laos War and Revolution* (Adams and McCoy, eds.) Boston: Harper and Row, 1971. "Revolution Strategy and the Paris Agreement," in *Communism in Indochina: New Perspectives* (Joseph Zasloff, ed.) Lexington Books, 1975. *The Myth of the Bloodbath: North Vietnam's Land Reform Reconsidered*. International Relations of East Asia Project, Cornell University, September 1972. *A Peace Denied: The U.S., Vietnam, and the Paris Agreement* Bloomington, Indiana: Indiana University Press, 1975. Articles published in *Commonweal*, *The Nation*, *Christian Century*, *The New Republic*, *The Progressive*, *The Washington Post*, *Current History*, *Worldview*, *Ramparts*, *Le Monde Diplomatique* and *Bulletin of Concerned Asian Scholars*.

DR. ROGER E. SHIELDS

Present position: Deputy Assistant Secretary of Defense (International Economic Affairs), Office of the Assistant Secretary of Defense (International Security Affairs).

Born: November 8, 1939 at Salt Lake City, Utah.

Schools: University of Florida, 1961; B. S.; 1965, M. A.; University of Virginia, 1969, Ph.D.

Career highlights: 1968 Interim Assistant Professor of Economics, University of Virginia. 1968-70 Assistant Professor of Finance, University of Texas at Austin. 1970-71 Economist, Professional Staff, TEMPO General Electric, Center at Advanced Studies. 1971-73 Assistant to the Assistant Secretary of Defense (International Security Affairs) for Prisoner of War/Missing in Action and Economic Affairs. 1973- Deputy Assistant Secretary of Defense (International Economic Affairs).

Others: Graduate with High Honors, University of Florida, 1961. Beta Gamma Sigma, Honorary Fraternity, 1960. Pi Sigma Phi, Honorary Fraternity, 1960. Phi Kappa Phi, Honorary Fraternity, 1961. Department of Defense Distinguished Civilian Service Medal, 1973.

FRANK A. SIEVERTS

Presently: Special Assistant for Prisoner of War and Missing in Action Matters and Deputy Coordinator for Humanitarian Affairs, Department of State.

1966-75: Special Assistant to Under Secretary of State Elliot L. Richardson and to Ambassador at Large W. Averell Harriman for POW/MIA Matters.

Other: 1959-60: News correspondent, TIME Magazine, London and Washington. 1961-62: Legislative Assistant, U.S. Senate.

Education: Swarthmore College, B.A. (High Honors) 1955. Oxford University, B.Phil., 1957 (Rhodes Scholar).

Married, two children. Residence in Washington, D.C.

JAMES M. WILSON, JR.

James M. Wilson, Jr., who was recently named as Coordinator for Humanitarian Affairs in the Office of the Deputy Secretary of State, is a career foreign service officer with long experience both in Washington and overseas.

He was most recently on special White House assignment as United States Deputy Representative for the Micronesian Status Negotiations. These negotiations resulted earlier this year in the signature of a Covenant which, if approved by the people of the Marianas and the U.S. Congress, will result in the establishment of a Commonwealth of the Northern Mariana Islands in political union with the United States.

Prior to that assignment Mr. Wilson was Deputy Assistant Secretary of State for East Asian and Pacific Affairs from 1970 to 1972. He served earlier as Deputy Chief of Mission with the personal rank of Minister in both the Philippines (1966-70) and Thailand (1964-66).

From 1961 to 1964 Mr. Wilson was in Spain where he was Counselor of Embassy for Economic Affairs and head of the U.S. economic assistance mission. Prior thereto he was in Washington in the office of the Under Secretary of State as Assistant Coordinator of the worldwide foreign assistance program from 1958-1961.

He is a lawyer by training, graduating from Harvard Law School in 1948, and has degrees from the Fletcher School of Law and Diplomacy, the Geneva School of International Studies and Swarthmore College.

(For further information more can be found in the current edition of Who's Who in America.)